

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition RE  
All USA Reactors Located on or Near  
Earthquake Fault Lines

Docket Number: (n/a)

Location: (telephone conference)

Date: Thursday, April 14, 2011

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Pages 1-52

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

ALL USA REACTORS LOCATED

ON OR NEAR EARTHQUAKE FAULT LINES

+ + + + +

THURSDAY

APRIL 14, 2011

+ + + + +

The conference call was held, Tom Blount,  
Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS

TOM BLOUNT, Deputy Director

Office of Nuclear ~~Materials Safety and~~  
~~Safeguards~~ Reactor Regulation

TANYA MENSAH, Petition Coordinator,

Office of Nuclear ~~Materials Safety and~~  
~~Safeguards~~ Reactor Regulation

1 PETER TAM, Petition Manager for 2.206 petition  
2 NRC HEADQUARTERS STAFF  
3 LEE BANIC, Petition Coordinator  
4 HAROLD CHRISTENSEN, Region II  
5 MIKE CLARK, Office of the General Counsel  
6 JIM CLIFFORD, Region I  
7 TOM FARNHOLTZ, Region IV  
8 DAVID HILLS, Region III  
9 CHRIS HOTT, Office of Enforcement  
10 SAM MIRANDA, Division of Systems Safety  
11 TOM SETZER, Region I  
12 GEORGE THOMAS, Division of Engineering  
13 Edward Smith, Office of Nuclear Reactor  
14 Regulation  
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## P R O C E E D I N G S

9:00 a.m.

1  
2  
3 MR. TAM: Okay this is Peter Tam again. I  
4 would like to thank everybody for attending the  
5 meeting. I am Peter Tam and I am a Senior Project  
6 Manager in the NRC Office of Nuclear Reactor  
7 Regulation.

8 We are here today to allow the petitioner,  
9 Thomas Saporito, to address the Petition Review Board,  
10 regarding the 2.206 petition dated March 12, 2011.

11 I am the Petition Manger for the petition.  
12 The Petition Review Board Chairman is Tom Blount. As  
13 part of the Petition Review Board, or you call it  
14 PRB,'s review of this petition, Mr. Saporito has  
15 requested this opportunity to address the PRB.

16 This meeting is scheduled from 9:00 to  
17 10:30 a.m., Eastern time. This meeting is being  
18 recorded by the NRC Operations Center and will be  
19 transcribed by a court reporter.

20 The transcript will become a supplement to  
21 the petition. The transcript will also be made  
22 publicly available.

23 I would like to open this meeting with  
24 introductions. As we go around the room, please be

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1 sure to clearly state your name, your position, and  
2 the office that you work for within the NRC for the  
3 record.

4 I'll start off. I am Peter Tam, the  
5 Petition Manager.

6 MR. SMITH: Ed Smith, with Balance of  
7 Plan, NRR.

8 MR. THOMAS: George Thomas, the NRR  
9 Division of Engineering. I'm a structural engineer.

10 MR. CLARK: I'm Mike Clark. I'm an  
11 attorney with the Office of the General Counsel.

12 MS. BANIC: Lee Banic, Petition  
13 Coordinator, NRR.

14 MR. HOTT: I'm Chris Hott, Senior  
15 Enforcement Specialist in the Office of Enforcement.

16 CHAIR BLOUNT: Tom Blount, NRR, PRB Chair.

17 MS. MENSAH: Tanya Mensah, 2.206  
18 Coordinator, NRR.

19 MR. TAM: We have completed introductions  
20 at the NRC headquarters. At this time, are there any  
21 NRC participants from headquarters on the phone?

22 Are there any NRC participants from the  
23 regional offices on the phone?

24 MR. CLIFFORD: Region I, this is Jim

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1 Clifford. I am the Deputy Director, Division of  
2 Reactor Projects, Region I.

3 MR. SETZER: Hi, this is Tom Setzer. I am  
4 Senior Project Engineer in division reactor projects,  
5 Region I.

6 MR. CLIFFORD: And that's all from here.

7 MR. CHRISTENSEN: In Region II, you have  
8 Chris Christensen, Deputy Director of Division of  
9 Reactor Safety in Region II, Atlanta, and that's it.

10 MR. HILLS: And in Region III, you have  
11 David Hills, Engineering Branch Chief.

12 MR. FARNHOLTZ: Region IV, you have go Tom  
13 Farnholtz, Branch Chief, Engineering Branch I.

14 MR. TAM: Okay. Are there any  
15 representatives of licensees on the phone?

16 Hearing none, Mr. Saporito, would you  
17 please introduce yourself for the record?

18 MR. SAPORITO: Yes, my name is Thomas  
19 Saporito. S-A-P-O-R-I-T-O. I am a Senior Consultant  
20 Associate for Saproani Associates, that's S-A-P-R-O-  
21 D-A-N-I Associates based in Jupiter, Florida, and we  
22 are collectively the petitioners in this proceeding.

23 MR. TAM: It is not required for members  
24 of the public to introduce themselves for this call,

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1 however if there are any members of the public on the  
2 phone who wish to do so at this time, please state  
3 your name for the record.

4 Hearing none, I would like to emphasize  
5 that we each need to speak clearly and loudly to make  
6 sure that the court reporter can accurately transcribe  
7 this meeting.

8 If you do have something that you would  
9 like to say, please first state your name for the  
10 record.

11 For those dialing into the meeting, please  
12 remember to mute your phones to minimize any  
13 background noise or distractions. If you do not have a  
14 mute button, this can be done by pressing the key \*6.  
15 To unmute, press \*6 keys again. Thank you.

16 And at this time, I would like to turn it  
17 over to the PRB Chairman, Mr. Tom Blount.

18 CHAIR BLOUNT: Good morning. Welcome to  
19 the meeting regarding the 2.206 petition submitted by  
20 Mr. Saporito. I would like to first share some  
21 background on our process.

22 Section 2.206 of Title 10 of the Code of  
23 Federal Regulations describes the petition process,  
24 the primary mechanism for the public to request

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1 enforcement action by the NRC in a public process.

2 This process permits anyone to petition  
3 NRC to take enforcement-type action related to NRC  
4 licensees or licensed activities. Depending on  
5 the results of its evaluation, NRC could modify,  
6 suspend or revoke an NRC-issued license or take any  
7 other appropriate enforcement action to resolve a  
8 problem.

9 The NRC staff's guidance for the  
10 disposition of 2.206 petition requests is in  
11 Management Directive 8.11, which is publicly  
12 available.

13 The purpose of today's meeting is to give  
14 the petitioner an opportunity to provide any  
15 additional explanation or support for the petition  
16 before the Petition Review Board's initial  
17 consideration and recommendation.

18 This meeting is not a hearing, nor is it  
19 an opportunity for the petitioner to question  
20 or examine the PRB on the merits or the issues  
21 presented in the petition request.

22 No decisions regarding the merits of this  
23 petition will be made at this meeting.

24 Following this meeting, the Petition Review Board will

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1 conduct its internal deliberations.

2 The outcome of this internal meeting will  
3 be discussed with the petitioner. The Petition Review  
4 Board typically consists of a Chairman, usually a  
5 manager at the senior executive service level at the  
6 NRC. It has a Petition Manager and a  
7 PRB Coordinator.

8 Other members of the Board are determined  
9 by the NRC staff based on the content of the  
10 information in the petition request.

11 At this time, I would like to introduce  
12 the petition -- the members of the Board. I am Tom  
13 Blount, the Petition Review Board Chairman. Peter Tam  
14 is the Petition Manager for the petition under  
15 discussion today.

16 Tanya Mensah is the office's PRB  
17 Coordinator. Our technical staff includes: Kamal  
18 Manoly, Division of Engineering; George Thomas,  
19 Division of Engineering; Sam Miranda, Division of  
20 Systems Safety; Chris Hott, Office of Enforcement;  
21 Mike Clark, Office of the General Counsel; Jim  
22 Clifford, Region I; Chris Christensen, Region II, Dave  
23 Hills, Region III; Tom Farnholtz, Region IV.

24 As described in our process, the NRC staff

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1 may ask clarifying questions in order  
2 to better understand the petitioner's presentation and  
3 to reach a reasoned decision whether to accept or  
4 reject the petitioner's requests for review under the  
5 2.206 process.

6 I would like to summarize the scope of the  
7 petition under consideration and the NRC  
8 activities to date. On March 12<sup>th</sup>, 2011, Mr. Saporito  
9 submitted to the NRC a petition, under 2.206,  
10 regarding reactors located on or near earthquake fault  
11 lines.

12 In this petition request, Mr. Saporito  
13 requested the NRC to take escalated enforcement action  
14 against and suspend, or revoke the NRC license granted  
15 to the licensees for operation of nuclear power  
16 reactors and that the NRC issue a notice of violation  
17 with a proposed civil penalty against the collectively  
18 named and each singularly named licensee captioned-  
19 above in this matter.

20 In particular, petitioners request that  
21 the NRC order the immediate shut-down of all nuclear  
22 power reactors in the United States of America which  
23 are known to be located on or near an earthquake fault  
24 line.

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1 Allow me to discuss the NRC activities to  
2 date. On March 21<sup>st</sup>, 2011, the Petition Manager  
3 contacted Mr. Saporito by email to discuss the 10 CFR  
4 2.206 process and to offer him an opportunity to  
5 address the PRB by phone or in person.

6 Mr. Saporito requested to address the PRB  
7 by phone prior to its initial meeting to make the  
8 initial recommendation to accept or reject the  
9 petition for review.

10 On April 4<sup>th</sup>, the PRB met internally to ~~to~~  
11 discuss the request for immediate action. The PRB  
12 denied Mr. Saporito's request for immediate action on  
13 the basis that there is no immediate health or safety  
14 concern to the public.

15 Mr. Saporito was informed on the same day,  
16 April 4<sup>th</sup>, of the PRB's decision to deny his request  
17 for immediate action.

18 As a reminder for the phone participants,  
19 please identify yourself if you make any remarks, as  
20 this will help us in the preparation of the meeting  
21 transcript that will be made publicly available. Thank  
22 you.

23 Mr. Saporito, I'll turn it over to you to  
24 allow you to provide any information you believe the

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1 PRB should consider as part of this petition.

2 MR. SAPORITO: Okay, thank you and good  
3 morning, and thank you for this opportunity to address  
4 the Nuclear Regulatory Commission's Petition Review  
5 Board.

6 My name is Thomas Saporito and I am the  
7 Senior Consulting Associate for Saprovani Associates  
8 based in Jupiter, Florida. Today I am representing  
9 myself and the interests of Saprovani Associates as  
10 the petitioners in connection with an enforcement  
11 petition filed on March 12<sup>th</sup>, 2011, under Title 10 of  
12 the Code of Federal Regulations, Section 2.206, with  
13 the United States Nuclear Regulatory Commission, NRC,  
14 requesting that the agency take certain and specific  
15 enforcement action against the agency's licensees  
16 operating commercial nuclear power reactors across the  
17 United States of America.

18 A copy of the enforcement petition is  
19 available at our website located at Saprovani, spelled  
20 S-A-P-R-O-D-A-N-I-associates.com, saprovani-  
21 associates.com.

22 When you go to that website, that's the  
23 main page or several pages, when you go to the main  
24 page, at the very top of the main page of our website

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1 is a pull-down menu showing various page selections.

2 One of the selections shown in the menu is  
3 NRC representing Nuclear Regulatory Commission. If you  
4 click -- if you select that menu selection, it will  
5 take you to a page where all the documents identified  
6 on the record again can be viewed and downloaded.

7 Each document is identified by a document  
8 number followed by a short description of the  
9 document. For example, the enforcement petition filed  
10 in this matter is identified as S-A 20110414.13, which  
11 represents Saprodani Associaes, the date, 2011, April  
12 14<sup>th</sup>, and document number 13.

13 To the extent that petitioners will be  
14 referencing certain and specific documents on the  
15 record today, petitioners hereby supplement their  
16 enforcement petition and request that a copy of all 27  
17 documents listed on petitioner's website, at  
18 <http://sapro-dani-associates.com/NRC.html>, be entered  
19 into the record this date as a supplement to  
20 petitioner's enforcement petition accordingly.

21 As will be discussed in this presentation  
22 to the NRC Petition Review Board, or PRB today,  
23 petitioners contend that high-level NRC officials and  
24 other government officials appear to have knowingly

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1 engaged in criminal negligence with intent to defraud  
2 the public, resulting in the reckless disregard and  
3 endangerment of public health and safety in connection  
4 with the agency's licensing of the General Electric  
5 Mark I nuclear reactors in the United States.

6 Therefore, petitioners request that a copy  
7 of today's transcript record, along with the 27  
8 identified documents on petitioner's website, be  
9 provided to the President's Office of Professional  
10 Responsibility and to the Office of Special Counsel  
11 and to the U.S. Attorney General for the United States  
12 Department of Justice and to the U.S. Nuclear  
13 Regulatory Commission Office of the Inspector General,  
14 to enable those government agencies the ability to  
15 make an informed decision about whether to initiate  
16 respective, independent agency investigations in these  
17 circumstances.

18 Petitioners filed their March 12<sup>th</sup>, 2011  
19 enforcement petition in the wake of the single worst  
20 commercial nuclear power plant disaster ever witnessed  
21 in the history of the world and which continues to  
22 worsen day by day in the country of Japan.

23 Notably, based on information and belief,  
24 petitioners contend that at least one nuclear reactor

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1 in Japan is in a full meltdown and has released high-  
2 level, radioactive contamination and continues to  
3 release high-level, radioactive contamination into the  
4 environment via the air, land and sea.

5 Petitioners further contend that three  
6 additional nuclear reactors in Japan are in various  
7 stages of a meltdown and has spewed high-level,  
8 radioactive contamination and continue to spew high-  
9 level, radioactive contamination into the environment  
10 via the air, land and sea.

11 Petitioners further contend that four  
12 high-level nuclear waste storage pools at the Japanese  
13 nuclear facilities in question have been significantly  
14 damaged and that one or more of the nuclear waste  
15 spent fuels have released high-level radioactive  
16 contamination and continue to release high-level  
17 radioactive contamination into the environment via the  
18 air, land and sea.

19 Petitioners aver here that the government  
20 of Japan, in concert with the United States  
21 government, on the advice of the United States Nuclear  
22 Regulatory Commission, along with the International  
23 Atomic Energy Agency has intentionally downplayed the  
24 severity and magnitude of the ongoing nuclear disaster

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1 and crisis in Japan, which has endangered public  
2 health and safety in Japan, and which will ultimately  
3 endanger public health and safety in the United States  
4 and in other countries around the world in time.

5           Petitioners contend that the past and  
6 present actions of the United States Nuclear  
7 Regulatory Commission significantly contributed to the  
8 nuclear disaster and crisis in Japan, and that the  
9 United States Nuclear Regulatory Commission continues  
10 to discount and to downplay serious nuclear safety  
11 design flaws in the General Electric Mark I nuclear  
12 reactors, for which the Japanese people are now  
13 suffering the results in the radioactive contamination  
14 of their food chain, drinking water, dairy farms,  
15 residence, and physical health and well-being.

16           To this extent, petitioners specifically  
17 requested in their petition, their enforcement  
18 petition, that the NRC order the immediate shutdown of  
19 all nuclear power reactors in the United States which  
20 are known to be located on or near an earthquake fault  
21 line, see document SA20110414.13 at page 3.

22           On April 4<sup>th</sup>, 2011, Peter S. Tam, T-A-M,  
23 NRC Senior Project Manager for the Office of Nuclear  
24 Reactor Regulation, sent petitioners an email which

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1 stated in relevant part that, quote, in your March  
2 12th, 2011 petition filed under 10 CFR 2.206, you  
3 requested that the NRC order the immediate shutdown of  
4 all nuclear power reactors in the USA which are known  
5 to be located on or near an earthquake fault line.

6 You claimed that the plants which operate  
7 on or near fault lines are subject to significant  
8 earthquake damage and that your immediate request is  
9 vital to protecting public health and safety, unquote.

10 On April 4<sup>th</sup>, 2011, the Petition Review  
11 Board met to discuss our petition, my petition and the  
12 petition of Sapordani Associates, and Mr. Tam  
13 is quoted as saying the following with respect to our  
14 petition:

15 On April 4<sup>th</sup>, 2011, the Petition Review  
16 Board met to discuss your request for immediate  
17 action. The PRB determined that your request for  
18 immediate action is a general assertion without  
19 supporting facts. Thus the PRB did not identify any  
20 new information provided by you that would warrant the  
21 NRC to order immediate shutdown of nuclear power  
22 reactors located on or close to fault lines, unquote.

23 Petitioners aver here that the NRC  
24 Petition Review Board's failure to take immediate

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1 actions as requested in the petition has recklessly  
2 endangered public health and safety in the United  
3 States, and that the NRC continues to turn a blind eye  
4 and a deaf ear to significant nuclear safety issues in  
5 the United States in support of, and as an advocate of  
6 the nuclear power industry overall, and in direct  
7 violation of the agency's mission to protect public  
8 health and safety in these circumstances.

9           Clearly, it does not take a rocket  
10 scientist or a nuclear engineer to understand that  
11 four GE Mark I nuclear reactors in Japan were built on  
12 or near earthquake fault lines which resulted in the  
13 worst nuclear disaster in the history of the world,  
14 and which continues to worsen and to escalate each and  
15 every day.

16           Notably, the very same GE Mark I nuclear  
17 reactors were licensed by the NRC and are currently  
18 operating under full power and located on or near  
19 earthquake fault lines.

20           In these circumstances the enforcement  
21 petition provides more than a sufficient basis to  
22 warrant the NRC to order the immediate shutdown of  
23 those specific nuclear reactors.

24           The failure of the NRC to take the

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1 requested immediate enforcement action has recklessly  
2 endangered public health and safety in direct  
3 violation of the agency's mission mandated  
4 by the United States Congress.

5 For these reasons standing alone,  
6 petitioners urge the NRC to: 1) order the immediate  
7 shutdown of all nuclear power reactors located near or  
8 on an earthquake fault line in the United States; and  
9 2) order the immediate shutdown of all GE Mark I  
10 nuclear power reactors in the United States; and 3)  
11 advise other countries employing the GE Mark I nuclear  
12 power reactors about the serious nuclear safety design  
13 flaws associated with that nuclear reactor, which is  
14 likely to result in a serious nuclear accident  
15 comparable to the Japanese nuclear disaster.

16 In particular, petitioners hereby request  
17 that the NRC order the immediate shutdown of the  
18 following nuclear power reactors which employ the  
19 flawed, GE Mark I nuclear reactor design: Browns  
20 Ferry, units 1, 2 and 3, located in Decatur, Alabama;  
21 Brunswick, units 1 and 2, located in Southport, North  
22 Carolina; Cooper nuclear plant, located in Nebraska  
23 City, Nebraska; Dresden, units 2 and 3, located in  
24 Morris, Illinois; Duane Arnold

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1 nuclear plant, located in Cedar Rapids, Iowa;  
2 Hatch, units 1 and 2, located in Baxley, Georgia;  
3 Fermi, unit 2, located in Monroe, Michigan; Hope Creek  
4 nuclear plant, located in Hancocks Bridge, New Jersey;  
5 Fitzpatrick nuclear plant, located in Oswego, New  
6 York; Monticello nuclear plant, located in Monticello,  
7 Minnesota; Nine Mile Point, unit 1, located in Oswego,  
8 New York; Oyster Creek nuclear plant, located in Tom's  
9 River, New Jersey; Peach Bottom, units 2 and 3,  
10 located in Lancaster, PA; Pilgrim nuclear plant,  
11 located in Plymouth, Massachusetts; Quad City, units 1  
12 and 2, located in Cordova, Illinois; Vermont Yankee  
13 nuclear plant, located in Vernon, Vermont.

14           Petitioners aver here that each and every  
15 one of the nuclear plants identified employ the flawed  
16 safety design of the GE Mark I nuclear reactor and  
17 that the continued operation of those flawed nuclear  
18 reactors recklessly endangers public health and  
19 safety.

20           Moreover, to the extent that one or more  
21 of these flawed, GE Mark I nuclear reactors operates  
22 within 100 miles of New York city or Washington, D.C.,  
23 petitioners aver that continued operation of those  
24 specific flawed nuclear reactors places an unwarranted

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1 risk to the national security and common defense of  
2 the United States of America.

3 For these reasons standing alone,  
4 petitioners urge the NRC to order the immediate  
5 shutdown of all GE Mark I nuclear power reactors in  
6 the United States. See document SA20110414.14 and 15.

7 Petitioners aver here that sa of 1972, Dr.  
8 Stephen Hanauer, H-A-N-A-U-E-R, an official with the  
9 Atomic Energy Commission, recommended that the  
10 pressure suppression system be discontinued and  
11 further designs not be accepted for construction  
12 permits in the United States, and this is with respect  
13 to the GE Mark I nuclear reactors that we talked about  
14 here.

15 Following this revelation, three General  
16 Electric nuclear engineers publicly resigned from  
17 their employment at GE, citing dangerous nuclear  
18 safety flaws associated with the GE Mark I nuclear  
19 reactor design. See document SA20110114.14 at page 1.  
20 Actually that should be SA20110414.14 at page 1.

21 In 1985, the NRC concluded that under  
22 accident conditions, the GE Mark I nuclear reactor  
23 could fail within the first few hours, resulting in a  
24 core meltdown.

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1           In 1986, NRC's top safety official,  
2 Harold Benton, B-E-N-T-O-N, advised a nuclear industry  
3 trade group that the GE Mark I containment had a 90  
4 percent probability of failing. See document  
5 SA20110414.14 page 1.

6           Petitioners aver here that high-level  
7 officials with the United States Government's Atomic  
8 Energy Commission and with the United States Nuclear  
9 Regulatory Commission, were well aware of and are well  
10 aware of significant nuclear safety design flaws  
11 associated with the GE Mark I nuclear reactor  
12 currently licensed by the NRC and operating throughout  
13 the United States.

14           Nonetheless, NRC continues to turn a blind  
15 eye and a deaf ear in the agency's mission to protect  
16 public health and safety in these circumstances.

17           On November 17<sup>th</sup>, 1971, S.H. Hanauer  
18 documented his concern that item 5.b in the agency's  
19 task force report was not fully discussed, that the  
20 meeting was poorly attended and that further  
21 discussion is needed to reach a decision. See document  
22 SA20110414.16 at page 1.

23           Notably, Hanauer documented concerns with  
24 the GE Mark I nuclear reactor's design which could

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1 result in a failure of their emergency core cooling  
2 system and leak fission products. See document  
3 SA20110414.16 at pages 2 through 6.

4 Petitioners note here that these are the  
5 exact same emergency situation now confronting  
6 Japanese authorities which resulted in the failure of  
7 the emergency core cooling system and the continuing  
8 leak of radioactive contamination fission products  
9 into our environment.

10 On September 20<sup>th</sup>, 1972, Hanauer documented  
11 further nuclear safety design concerns related to the  
12 GE Mark I nuclear reactor design and stated in  
13 relevant part that, quote, more difficult to assess is  
14 the margin needed when applying the experimental data  
15 to the reactor design.

16 Recently, we have reevaluated the 10-year-  
17 old GE test results and decided on a more conservative  
18 interpretation than has been used all these years by  
19 GE, and in parentheses, accepted by us, close  
20 parentheses.

21 We now believe that the former  
22 interpretation was incorrect using data from tests not  
23 applicable to accident conditions, close quote. See  
24 document SA20110414.17, at pages 2 to 3.

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1                   On September 25<sup>th</sup> 1972, Joseph M. Hendrie,  
2 H-E-N-D-R-I-E, documented in a note to       John F.  
3 O'Leary received by the office of the Secretary on  
4 June 23<sup>rd</sup>, 1978, that, quote, the acceptance of  
5 pressure submission containment concepts by all  
6 elements of the nuclear field, including regulatory  
7 and the ACRS, is firmly embedded in the conventional  
8 wisdom.

9                   Reversal of this believed policy,  
10 particularly policy, particularly at this time, could  
11 well be the end of nuclear power. It would throw into  
12 question the continued operation of licensed plants,  
13 would make unlicensable the GE and Westinghouse ice  
14 condenser plants now in review and would generally  
15 create more turmoil than I can stand thinking about,  
16 close quote. See document SA20110414.18, at page 1.

17                   Petitioners aver here that high-level  
18 United States Government employees with the Atomic  
19 Energy Commission and the United States Nuclear  
20 Regulatory Commission were fully aware of significant  
21 nuclear safety design flaws associated with the GE  
22 Mark I nuclear reactor prior to and at the time that  
23 the agencies licensed the nuclear reactor for  
24 operation in the United States.

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1                   Petitioners further aver that this  
2 evidence supports a need for the United States  
3 Department of Justice and/or other government agencies  
4 to conduct timely investigations to determine whether  
5 one or more government employees associated with the  
6 Atomic Energy Commission and/or the United States  
7 Nuclear Regulatory Commission engaged in criminal  
8 negligence with intent to defraud the public with  
9 respect to licensing the GE Mark I nuclear reactor  
10 design and thereby recklessly endangering public  
11 health and safety in these circumstances.

12                   Petitioners further aver that NRC Petition  
13 Review Board members present at this meeting today  
14 knew or should have known and in fact do know of the  
15 nuclear safety design flaws associated with the GE  
16 Mark I nuclear reactor design, and continue to  
17 recklessly endanger public health and safety in  
18 refusing to take the requested enforcement action  
19 identified in the instant action, meaning the 2.206  
20 enforcement petition submitted by the petitioners on  
21 March 12<sup>th</sup>, 2011.

22                   In July, 2005, the Nuclear Regulatory  
23 Commission published a safety evaluation report  
24 related to the license renewal of the Donald C. Cook

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1 nuclear plants, units 1 and 2, in docket numbers 50-  
2 315 and 50-316, in connection with the request by the  
3 Indiana Michigan Power Company. See document  
4 SA20110414.07.

5           Petitioners contend that the nuclear power  
6 reactors for which the United States Nuclear  
7 Regulatory Commission has issued an initial operating  
8 license to allow nuclear utilities to operate nuclear  
9 power reactors on a commercial basis to generate  
10 electricity throughout the United States, was intended  
11 to last for a 40-year term and no more.

12           Petitioners contend that the nuclear  
13 reactors licensed for 40 years by the United States  
14 Nuclear Regulatory Commission were meant to be  
15 decommissioned at the end of a 40-year life span on a  
16 safety-related basis, meaning that when a nuclear  
17 reactor becomes critical, which simply means that  
18 nuclear fission is occurring within the stainless  
19 steel nuclear reactor vessel, that extremely high-  
20 level nuclear radiation is being emitted from the core  
21 of the nuclear reactor, from the fuel which causes the  
22 nuclear reactor fission process.

23           This radiation emits from the core of the  
24 nuclear reactor to the metal which comprises the

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1 nuclear reactor vessel.

2           Petitioners contend that this high-level  
3 nuclear radiation bombardment, day in and day out,  
4 over the life span of the nuclear reactor vessel, as  
5 defined as being 40 years, significantly embrittles  
6 the metal of the nuclear reactor vessel.

7           Petitioners aver that the embrittlement  
8 caused by the fission process when the nuclear  
9 reactors are under power over a 40-year period of  
10 time, significantly subjects the nuclear reactor  
11 vessel to the possibility of cracking because the  
12 metal is so embrittled at that time.

13           Petitioners contend that should one of the  
14 104 operating reactors throughout the United States  
15 crack because the reactor vessel has sustained  
16 embrittlement from the nuclear radiation emitted from  
17 the reactors under power, that the crack would cause  
18 what is known as a loss of coolant accident, one of  
19 the most serious nuclear safety events that can be  
20 imagined, which is currently ongoing in the country of  
21 Japan.

22           Such a nuclear accident, which is called a  
23 LOCA, loss-of-coolant accident, would not be able to  
24 be brought under control in the United States because

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1 there is no known fix to stop a loss of inventory from  
2 the reactor vessel from a crack in the reactor vessel.

3 There is no nuclear safety design basis  
4 analogy conducted during the licensing process on  
5 these 104 nuclear reactors which consider such an  
6 accident.

7 Therefore, petitioners contend that the  
8 NRC, in cooperation with the nuclear industry, has  
9 improperly and illegally granted 20-year license  
10 extensions to the 40-year license that was initially  
11 granted by the agency for the 104 nuclear reactors  
12 throughout the United States.

13 In so doing, petitioners contend that the  
14 NRC has recklessly endangered public health and safety  
15 in these circumstances because in so extending these  
16 licenses by 20 years, the agency has significantly  
17 increased the likelihood of a loss-of-coolant accident  
18 at any one of the 104 operating reactors in the United  
19 States, at any given moment, from which a meltdown, a  
20 complete meltdown of the reactor's core would result.

21 Petitioners contend that the NRC is simply  
22 rubber-stamping 20-year license extensions to the 104  
23 nuclear power plants and that the NRC to date has  
24 never refused to grant a 20-year license extension.

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1           With respect to the July, 2005 NRC safety  
2 evaluation report in connection with the Donald C.  
3 Cook nuclear plant units 1 and 2, with respect to  
4 their application for a 20-year license extension for  
5 those nuclear plants, the document is a safety  
6 evaluation report, SER, on the application for the  
7 license renewal for the Donald C. Cook nuclear plant,  
8 units 1 and 2, as filed by the Indiana Michigan Power  
9 company, by letter dated October 31<sup>st</sup>, 2003, to the  
10 NRC, to extend the operating license for those nuclear  
11 reactors, for an additional 20 years.

12           In its October 31<sup>st</sup>, 2003 submittal letter,  
13 the applicant requested renewal of the operating  
14 license issued under section 104 B of the Atomic  
15 Energy Act of 1954 as amended. The facility operates  
16 at operating license numbers DPR58 and DPR74.

17           CHAIR BLOUNT: Mr. Saporito, this is Tom  
18 Blount. I need a point of clarification if you would,  
19 please. You are talking about the D.C. Cook facility  
20 and we had started out talking about the BWR Mark I.  
21 Could you help me understand the relationship there?

22           MR. SAPORITO: Yes. It will come right  
23 here in very short order. Just hang on there.

24           CHAIR BLOUNT: Thank you.

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1 MR. SAPORITO: As I was saying, they  
2 requested the license extension for a period of 20  
3 years beyond the current license expiration dates of  
4 midnight, October 25<sup>th</sup>, 2014, and December 23<sup>rd</sup>, 2017,  
5 for units 1 and 2 respectively.

6 And this license extension application by  
7 Indiana Michigan Power Company is consistent and  
8 similar to other license extensions submitted by  
9 numerous NRC licensees around the United States,  
10 including the Florida Power & Light Company and the  
11 Progress Energy Company, and a licensee like the  
12 Indian Point Nuclear Plant, which are located very  
13 near and within 25 or 35 miles of New York city.

14 Petitioners aver here that in accordance  
15 with Nuclear Regulatory legislation enacted by the  
16 109<sup>th</sup> Congress, first session, as published in June,  
17 2005, and specifically under chapter 10 of the atomic  
18 energy licenses, that the NRC has no authority to  
19 grant 20-year licenses to any agency licensee and that  
20 all such 20-year license extensions are invalid as a  
21 matter of law and should be immediately revoked by the  
22 NRC to protect public health and safety in these  
23 circumstances. See document SA20110414.08.

24 Chapter 10, the atomic energy licenses, 42

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1 USC 2132, section 102b, states that any licensee  
2 hereafter issued -- excuse me -- states that any  
3 license hereafter issued for a utilization or  
4 production facility for industrial or commercial  
5 purposes, the construction or operation of which was  
6 licensed pursuant to subsection 104b, prior to  
7 enactment into law from this subsection shall be  
8 issued under subsection 104b.

9 42 USC 2134 section 104 states that it  
10 relates to medical therapy and research and  
11 development and section 104b specifically states that  
12 as provided per in subsection 102b or 102c, or where  
13 specifically authorized by law, the commission is  
14 authorized to issue licenses under this subsection to  
15 persons applying therefore for utilization and  
16 production facilities for industrial and commercial  
17 purposes.

18 Petitioners aver here that the commission  
19 improperly interpreted the amendment to section 104b  
20 under 42 USC 2134 and under the Atomic Energy Act of  
21 1954, as amended, where the amendment was clearly  
22 intended to address licenses issued by the commission  
23 in connection with medical therapy and research and  
24 development, and not commission licenses issued for

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1 the production of commercial nuclear power in the  
2 United States for the purpose of producing  
3 electricity.

4 Thus petitioners herein request that the  
5 NRC immediately revoke all 20-year license extensions  
6 issued to NRC licensees, the commercial nuclear power  
7 reactors, to produce electricity in the United States.

8 Petitioners refer the PRB to document  
9 identified as SA20110414.26. This document was  
10 prepared by a renowned and well-respected nuclear  
11 engineer, Mr. David Lochbaum, associated with the  
12 Union of Concerned Scientists.

13 In this document, Mr. Lochbaum documents  
14 his understanding of what happened in Japan with  
15 respect to the GE Mark I nuclear reactors and the  
16 continuing nuclear disaster unfolding over there.

17 In particular, Mr. Lochbaum questions  
18 whether it can happen here, perhaps not by the same  
19 method, but definitely within the same consequences,  
20 he states.

21 The earthquake caused the normal supply of  
22 electrical power from the electrical grid for the  
23 Fukushima nuclear plant to be lost. Per design, the  
24 emergency diesel generators at the site automatically

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1 started and provided power to essential emergency  
2 equipment.

3 Then the tsunami arrived and disabled the  
4 emergency diesel generators, leaving the plant without  
5 electric -- without alternating current, which is AC  
6 electric power.

7 This condition, with no AC electric power,  
8 is called a station blackout. Per design, batteries  
9 provided direct current electrical power for a bare-  
10 bones, minimal, subset of emergency equipment.

11 DC power enabled a steam-driven turbine  
12 connected to a pump with the reactor core isolation  
13 cooling system to supply cooling water for the  
14 reactors' cores. The steam was being produced by the  
15 decay heat from the shut-down reactor cores.

16 Mr. Lochbaum continues to talk about and  
17 document that in June of 1988, the NRC adopted a new  
18 safety regulation under 10 CFR 50.63, loss of all  
19 alternating current power, that required the owners of  
20 United States reactors to take steps to assure their  
21 facilities could safely withstand a station blackout  
22 lasting four or eight hours, depending on site-  
23 specific parameters.

24 He goes on to state that long after the

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1 plant owners implemented all of the modifications to  
2 the reactors, and revisions to operating procedures  
3 that were required to comply with the station blackout  
4 regulation, the NRC evaluated the effectiveness of the  
5 new requirements and published the results in a report  
6 called NUREG-1776.

7 Mr. Lochbaum continues that 11 reactors  
8 have batteries designed to supply DC power for up to  
9 eight hours, should a station blackout occur. The  
10 Fukushima reactors were also equipped with eight-hour  
11 battery capacities. They were insufficient to meet the  
12 challenge.

13 Ninety-three United States reactors are  
14 designed with batteries lasting half that long,  
15 meaning four hours.

16 Petitioners contend here that this  
17 document forms the basis for the NRC to take the  
18 enforcement action outlined in their March 12<sup>th</sup>, 2011  
19 petition.

20 Petitioners now point at the NRC Petition  
21 Review Board to document identified as SA -- actually  
22 this is not a document, this is a videotape recording  
23 of a fellow named Kevin Kamps, K-A-M-P-S. He is a  
24 nuclear waste spent fuel expert.

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1           The petitioners are identifying this  
2 videotape as SA20110414.10 because when we go to our  
3 website and click on that document number, you will be  
4 directed to the video.

5           Petitioners request that the NRC Petition  
6 Review Board actually watch that video, where Mr.  
7 Kamps explains about the serious issue of high-level  
8 nuclear waste being stored throughout the United  
9 States at all the nuclear power plants from coast to  
10 coast.

11           Mr. Kamps explains the serious safety  
12 consequences of doing -- of storing high-level nuclear  
13 waste in this manner and he specifically explains some  
14 significant nuclear safety issues associated with  
15 plants in the north-east, with this respect.

16           Petitioners contend here that Mr. Kamps's  
17 concern with respect to nuclear waste -- spent nuclear  
18 waste storage in pools at all the nuclear power plants  
19 in the United States, represent an unacceptable risk  
20 to public health and safety and pose an even more  
21 significant risk to public health and safety than  
22 would be posed by a meltdown of a reactor core.

23           Mr. Kamps also explains in this video the  
24 failure, the outright flagrant failure of the United

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1 States Nuclear Regulatory Commission, to properly  
2 regulate and conduct oversight of the United States  
3 Nuclear reactors, specifically I recall his testimony  
4 on that tape with respect, I believe it was the power  
5 phase plant (phonetic) -- nuclear plant, that the  
6 plant, emergency diesel generators were not operable  
7 for a period of no less than 26 years -- 26 years.

8 Fortunately they weren't challenged to  
9 perform their safety function and no one was hurt, and  
10 there was no nuclear accident.

11 But you have to wonder how the plant  
12 operator failed to identify this significant nuclear  
13 safety concern for 26 years. You have to wonder how  
14 resident NRC inspectors stationed at the facility over  
15 that 26-year period failed to identify the failure of  
16 the emergency diesel generator systems to operate.

17 I mean, it's just -- it just puts goose-  
18 bumps all over my body. That's just one example.  
19 That's just one example, of many.

20 Mr. Lochbaum, who I mentioned earlier,  
21 with the Union of Concerned Scientists, well, that  
22 organization has professional nuclear engineers with  
23 credentials far greater than probably most of the  
24 people present at the NRC's Petition Review Board

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1 meeting today.

2           They issued a report and the report is  
3 documented in our document identified as  
4 SA20110414.27. The report adds ominously that severe  
5 accidents at Three Mile Island in 1979 and Chernobyl  
6 in 1986 occurred when a handful of known problems,  
7 aggravated by a few worker miscues, transformed fairly  
8 routine events into catastrophes.

9           In 13 of the incidents that this report  
10 talks about, the NRC despatched special inspection  
11 teams called SITs, which are utilized when event or  
12 condition increases the chance of a reactor core  
13 damage by a factor of 10.

14           The report documents that the most  
15 significant near miss event took place at Progress  
16 Energy's HB Robinson plant located in Florence, South  
17 Carolina.

18           On March 28<sup>th</sup> 2010, the 31<sup>st</sup> anniversary of  
19 the Three Mile Island accident, the NRC sent a special  
20 inspection team to the nuclear site to investigate  
21 electrical fires.

22           After uncovering multiple problems,  
23 including design and procurement of safety equipment,  
24 maintenance operations and training over many years,

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1 NRC upgraded the special inspection team to an  
2 augmented inspection team, AIT, used when the risk of  
3 the reactor core damage rises to a factor of 100.

4 What ensued at the Robinson nuclear plant  
5 that day, was what could be described as a black  
6 comedy of errors, with one misstep exacerbating the  
7 next.

8 The following is an abbreviated account of  
9 the March 28<sup>th</sup> events, as described in a Union of  
10 Concerned Scientists report.

11 First, an electrical cable shorted out,  
12 started a fire. Next, a breaker designed to  
13 automatically open and de-energize power to the  
14 shorted cable failed to do so, allowing electricity to  
15 flow from a circuit through the shorted cable into the  
16 ground, reducing the circuit's voltage.

17 Next, this circuit, which powered a pump  
18 circulating water through the reactor core,  
19 experienced a drop in power. The pump's output  
20 dropped, triggering an automatic shutdown of the  
21 reactor.

22 Next, the electrical problems damaged the  
23 main power transformer between the plant and its  
24 electrical grid. About half of the plant's equipment

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1 was then left without power.

2 Next, without power, valves on drain lines  
3 remained open, allowing heat to escape from the  
4 reactor more rapidly than normal. The operators did  
5 not notice the open drain valves or abnormally fast  
6 cool down.

7 When pumps transferring water from a tank  
8 to the reactor vessel failed to automatically realign,  
9 plant operators failed to notice this failure for  
10 nearly an hour.

11 Four hours into the event, operators  
12 attempted to restore power to the de-energized circuit  
13 without checking first to ensure workers had fixed the  
14 original fault, which they had not.

15 When the operators closed the electrical  
16 breaker to repower the circuit, they reenergized the  
17 shorted cable, and it caused another fire. The  
18 electrical disturbance also triggered alarms on both  
19 sets of station batteries, prompting the operators to  
20 declare an emergency alert.

21 The NRC's inspection team also documented  
22 other equipment failures. The cable that started the  
23 first fire, installed in 1986, did not meet specified  
24 facility parameters. A light bulb replacing a bad bulb

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1 in 2008 failed to illuminate, causing an electrical  
2 breaker not to open.

3 The Union of Concerned Scientists  
4 documented in their report about this incident that,  
5 quote, there is simply no excuse for the fact that the  
6 company and the NRC had not detected and corrected at  
7 least some of these problems before this event,  
8 unquote.

9 The Union of Concerned Scientists also  
10 notes that Progress Energy informed the Nuclear  
11 Regulatory Commission, in writing, that certain  
12 diagnostics and testing had been performed at the HB  
13 Robinson plant when, in fact, they had not been done.

14 The NRC sent another special inspectio  
15 team to the Florence, South Carolina plant on October  
16 7<sup>th</sup>, 2010, after an automatic shutdown of the reactor,  
17 followed by equipment failures and operator errors.

18 The NRC determined that the motor failure  
19 initiating the event was caused by degradation of  
20 insulation on the motor winding. While Progress Energy  
21 had been aware of the problem, and had a plan in place  
22 in 2003 to deal with it, the motor had never been  
23 fixed.

24 All of the 14 near misses documented in

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1 the Union of Concerned Scientists report, were the  
2 result of known safety problems that went uncorrected.

3 Most of them followed similar scenarios to  
4 that of the HB Robinson plant which I have just talked  
5 about.

6 For its part the Nuclear Regulatory  
7 Commission, through a combination of incompetence and  
8 cavalier disregard, failed to identify any of these  
9 safety problems, despite having personnel at each  
10 nuclear plant and conducting about 6,300 man-hours of  
11 oversight at each facility.

12 These are the words of the Union of  
13 Concerned Scientists. The report asks why didn't this  
14 NRC inspection army identify all, some, or at least  
15 one of the problems contributing to these 14 near  
16 misses.

17 So, you know, petitioners point the NRC  
18 Petition Review Board to the fact that the Chernobyl  
19 nuclear reactor accident and the Three Mile Island  
20 accident, which involved melting of the reactor's core  
21 and releases of nuclear radiation into the  
22 environment, were not the result of an act of God,  
23 such as an earthquake and a tsunami, as in the  
24 Japanese nuclear disaster, which continues to this

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1 day, but they were primarily as a result of human  
2 error, human error on the part of the plant operators,  
3 and human error on the part of the Nuclear Regulatory  
4 Commission, the government agency empowered by the  
5 United States Congress to protect public health and  
6 safety.

7                   Petitioners                   identify                   document  
8 SA20110414.25, which is another document issued by the  
9 Union of Concerned Scientists, and this talks about  
10 spent fuel, nuclear spent fuel, and specifically this  
11 was a statement made by Mr. David Lochbaum, the  
12 director for nuclear safety project with the Union of  
13 Concerned Scientists.

14                   He testified before the United States  
15 Senate Energy and Water Development Appropriations  
16 committee, alongside with the Chairman for the Nuclear  
17 Regulatory Commission, Gregory D. Jaczko.

18                   They both testified about the risks, the  
19 high-level risk associated with the storage of spent  
20 nuclear fuel at the 104 nuclear reactors across the  
21 United States.

22                   The Chairman, the NRC's Chairman,  
23 testified oh, the systems are robust, thick concrete  
24 walls, you know, they are safe, et cetera, et cetera,

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1 but the engineer, Mr. Lochbaum, testified that some of  
2 these spent fuel assemblies were stored in buildings  
3 which are nothing more than Sears steel sheds.

4 So, you know, who, who is the public  
5 supposed to believe, and is the NRC protecting public  
6 health and safety in these circumstances?

7 Petitioners now point the Petition Review  
8 Board to documents identified as SA20110414.21,  
9 SA20110414.20, SA20110414.19, SA20110414.09,  
10 SA20110414.05 and SA20110414.24, which deal primarily  
11 but not exclusively with the Indian Point nuclear  
12 power plant and more generically, with other nuclear  
13 power plants licensed by the NRC across the United  
14 States.

15 The first document which I identified on  
16 the record as SA20110414.21, is an October 25<sup>th</sup>, 2010  
17 petition filed under section 10 of the Code of Federal  
18 Regulations 2.206 by a Mr. Paul M. Blanch.

19 He is an energy consultant and a nuclear  
20 engineer. He filed this petition with respect to the  
21 Indian Point nuclear power plant, brought up numerous  
22 concerns with gas lines they are running and there are  
23 his concerns of a significant nuclear accident  
24 resulting from an explosion.

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1           Following Mr. Blanch's submittal and  
2 request for enforcement action by the Nuclear  
3 Regulatory Commission, the second document presented  
4 by petitioners, SA20110414.20, is a March 3<sup>rd</sup>, 2011,  
5 from Mr. Blanch, to John Boska, B-O-S-K-A, who is the  
6 Indian Point project manager for the U.S. Nuclear  
7 Regulatory Commission, and he again, reiterates his  
8 concerns about Indian Point and he speaks of = makes  
9 reference of NRC regulation 50.71(e), maintenance of  
10 records, making of reports, et cetera.

11           And following that, as referenced earlier,  
12 SA20110414.19 is a letter dated March 24<sup>th</sup>, 2011, by  
13 Mr. Blanch to the Governor, Andrew Cuomo for the state  
14 of New York, and in this letter Mr. Blanch  
15 meticulously outlines his concerns that you could have  
16 damage to the reactors and he talks about spent fuel  
17 pools in reference to Japan, a loss of electrical  
18 power to vital equipment control, accident mitigation  
19 et cetera, et cetera.

20           With respect to document SA20110414.09,  
21 this is a communication, a letter dated March 31<sup>st</sup>,  
22 2011, from the United States Nuclear Regulatory  
23 Commission, from NRC employee Theodore R. Quay, Q-U-A-  
24 Y, who is the deputy director for the office of

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1 nuclear reactor regulation.

2 In this letter, he speaks to Mr. Blanch's  
3 enforcement petition under 10 CFR 2.206 and he states  
4 in the last paragraph, after receiving the petition,  
5 the NRC staff reviewed these reports and did not  
6 identify any violation of NRC regulations or any new  
7 information that would change the staff's previous  
8 conclusion that pipelines do not endanger the safe or  
9 secure operation of the Indian Point plants, units 1  
10 and 2.

11 This letter, again, is dated March 31<sup>st</sup>,  
12 2011, and that is well after the nuclear accident in  
13 Japan occurred on March 11, 2011, so you know, it's  
14 interesting that the NRC would just turn a blind eye  
15 and a deaf ear to Mr. Blanch's significant safety  
16 issues raised in his petition.

17 The other document petitioners identified  
18 was SA20110414.05. This is a March 25<sup>th</sup>, 2011 letter  
19 that Saprodani Associates authored to the Honorable  
20 Eric T. Schneiderman, who is the Attorney General for  
21 the Office of the Attorney General in Albany, New  
22 York, for the states of New York.

23 And in this communication, this letter, we  
24 outlined that we filed a petition with the NRC that we

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1 are meeting here today about, and we outlined points  
2 and concerns with respect to operations of the Indian  
3 Point nuclear plant that operate within 35 miles of  
4 New York city, and that its operation poses a threat  
5 to national security and the common defense of the  
6 United States of America.

7 And in this letter we attach a document  
8 which is a news article by CBS news investigators  
9 which documents that on March 24<sup>th</sup>, 2011 is when this  
10 document, this news article came out, but a worker at  
11 a Tennessee nuclear power plant was indicated this  
12 week for lying on inspection reports, according to the  
13 Attorney General for eastern Tennessee.

14 Court papers filed March 22<sup>nd</sup> alleged that  
15 Matthew David Correl willingly lied in documents last  
16 August in which he stated he had measured safety  
17 system cables intended for a new reactor power plant  
18 to be constructed at the Watts Bar nuclear facility in  
19 Spring City, even though he did not perform this  
20 inspection.

21 Falsification of records is a serious  
22 matter, particularly when the records in question  
23 involve safety cables at a nuclear power plant. That  
24 was a quote from David Lochbaum, the director of

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1 nuclear safety project for the Union of Concerned  
2 Scientists.

3 And finally, document SA20110414.24 is an  
4 April 8<sup>th</sup> letter from the Attorney General Schneiderman  
5 to myself with Saprodani Associates acknowledging our  
6 concerns in appreciation for our nuclear safety  
7 concerns with respect to Indian Point.

8 And he states in his letter, it says, in  
9 the wake of Japan's recent tragedy, we must be  
10 diligent in our evaluation of the risk posed by our  
11 nuclear facilities.

12 Before any conversation about relicensing  
13 is concluded, the Nuclear Regulatory Commission must  
14 answer basic health and safety questions concerning  
15 Indian Point.

16 You may be assured that any threats on the  
17 health and safety of New Yorkers will be met with the  
18 full force of my administration.

19 The NRC should have at least one raised  
20 eyebrow by now. I would hope so.

21 In concert with these concerns that were  
22 generic of nature and applicable to some of the other  
23 nuclear plants in the United States, but more specific  
24 to Indian Point, well actually it's more specific on a

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1 generic basis, on April 14<sup>th</sup>, 2005, the NRC issued a  
2 license amendment 243, which eliminated the  
3 requirement for hydrogen recombiners to combine  
4 combustible gas control functions.

5 And what that means, is that the -- as  
6 witnessed in Japan, we had one explosion after another  
7 explosion after another explosion when the containment  
8 facilities exploded, because when the fuel rod  
9 assembly started melting down and the reactor core and  
10 then the spent fuel pools, it released hydrogen. That  
11 hydrogen exploded.

12 Well, recently, in March of this year, the  
13 NRC Commission, in its full glory, headed by the  
14 Chairman, entertained testimony by the executive  
15 director for operations.

16 And one of the commissioners specifically  
17 queried the executive director, saying, well, you  
18 know, he referenced the explosions in Japan, could  
19 that happen here? You know, if not, why not,  
20 paraphrasing.

21 And executive Director for operations fo  
22 the Nuclear Regulatory Commission responded, saying  
23 well, you know, our containment buildings, you know,  
24 we have systems in place to prevent the build-up of

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1 hydrogen.

2 Oh, could that have been the hydrogen  
3 recombiners he was referring to? He also talked about  
4 introduction of nitrogen in the containment  
5 structures, et cetera, et cetera.

6 But he never answered the question, could  
7 the containment buildings explode because of hydrogen  
8 build-up, and the answer to that question is simply  
9 yes, they can.

10 The NRC yesterday, I attended a meeting  
11 via teleconference call with the United States Nuclear  
12 Regulatory Commission from Region II, related to  
13 operations at the St. Lucie nuclear power plant.

14 The first -- one of the first things out  
15 of the mouth of the NRC was -- during the inspection  
16 period he talked about the first -- four quarters of  
17 2010, which was their inspection period, said that  
18 Florida Power & Light Company, the plant owners at St.  
19 Lucie nuclear units 1 and 2, operated in a plant -- in  
20 such a manner as to protect public health and safety.

21 Well, nothing could be further from the  
22 truth. I personally reviewed each and every one of the  
23 NRC's inspection reports downloaded from the NRC's  
24 website for the inspection period of 2010 for which

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1 the NRC formed the basis of that erroneous opinion.

2 In those inspection reports, it clearly  
3 shows there was at least one yellow finding concerning  
4 what we interpret to be a nuclear safety system, a  
5 failure of that system where there was an introduction  
6 of air into that system where the system could have  
7 been inoperable, and that was you know, it wasn't  
8 found by the licensee, it was stumbled upon by the  
9 NRC.

10 There was other indications in there, when  
11 the NRC, did an inspection of its power systems.

12 The NRC made some generic comment like  
13 what, what, the cable apparently was capable of  
14 sustaining submersion under water, but the NRC stopped  
15 at that point. They didn't determine how long the  
16 cable had been in there. They didn't determine whether  
17 there was any nicks in the cable.

18 They didn't inspect any other maintenance  
19 cavity where cables could be submerged or make any  
20 determination whether those cables which may have been  
21 submerged, and which may still be submerged, were  
22 qualified to be submerged for any length of period of  
23 time.

24 So what has happened over the years and my

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1 time is almost up, so I mean I could go on for days if  
2 not months talking about the NRC's inspection  
3 activities or lack thereof with respect to 104 nuclear  
4 reactors across the United States, but it's of  
5 paramount importance, especially for Congress to  
6 consider whether or not changes need to be made.

7 And specifically my review over the last  
8 22 years of NRC inspection activities across the  
9 United States, clearly shows a significant decrease in  
10 the NRC's detail of inspection activities.

11 They used to be what's called the  
12 systematic assessment of licensee performance, SALP  
13 reports. Those were the days when I worked at the  
14 Turkey Point nuclear plant and at the St. Lucie  
15 nuclear plant as an instrument control technician.

16 Those reports were well thought out, they  
17 were well detailed, they covered the nuclear plant  
18 from top to bottom, all safety systems, all protective  
19 systems, all emergency reactor core protection  
20 systems.

21 Now, under the helm and direction of  
22 Chairman Jaczko, that has all changed. It's what's  
23 called reactor oversight program or process, ROP.  
24 There, the NRC doesn't do a complete survey and

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1 inventory of all the nuclear safety related systems.  
2 They only pick and choose certain systems and focus a  
3 limited amount, a very limited amount of resources on  
4 their inspection activities, as we have already talked  
5 about.

6 So to the extent that -- and before I  
7 continue, let me just expand upon Chairman Jaczko's  
8 failure to ensure for public health and safety with  
9 respect to his position as the Chairman --

10 CHAIR BLOUNT: Mr. Saporito --

11 MR. SAPORITO: as the Chairman of the  
12 Commission --

13 CHAIR BLOUNT: Mr. Saporito, I have --

14 MR. SAPORITO: I have seven minutes left,  
15 please don't interrupt, I am also finished. He  
16 personally has stated that the reactor oversight  
17 process is intended not to take escalated enforcement  
18 action through the issuance of civil penalties to the  
19 licensees, but instead, when violations are found,  
20 that the NRC will just merely increase their  
21 inspection activities.

22 Obviously that hasn't worked over the  
23 years. So petitioners aver here that Congress should  
24 take a broad look at the overall organization of the

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1 Nuclear Regulatory Commission and dissolve that --  
2 dissolve the Nuclear Regulatory Commission and replace  
3 it with an administrator and/or director and  
4 subordinates, much like the United States Department  
5 of Energy is structured.

6 And with that, I am going -- I have other  
7 documents but I am out of time and I will defer  
8 further discussion for the next time I engage the PRB  
9 before a decision is rendered in this matter.

10 But I will remain on this line to answer  
11 any questions from the NRC staff and/or any members of  
12 the public or media who may be attending this meeting  
13 today. Thank you.

14 CHAIR BLOUNT: Thank you Mr. Saporito for  
15 your comments. At this time, are there any questions  
16 from the staff here at headquarters?

17 No questions. Are there any questions from  
18 the staff from the regions?

19 Hearing no questions, are there any  
20 questions from the licensee? Is the licensee on the  
21 line? There isn't a licensee on the line, I  
22 understand, hearing no questions.

23 Are there members of the public on the  
24 line? Very good, in that case, Mr. Saporito, again,

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1 thank you for taking the time to provide us your  
2 insights. I was expecting a little -- well, thank you  
3 very much for taking the time to provide your  
4 insights.

5 The documents that you referred to on your  
6 website, consistent with the 2.206 process, if you  
7 would submit those in writing, I would appreciate it.

8 MR. SAPORITO: Well, I am not going to  
9 submit them in writing because you can download them  
10 in their entirety. Some of them are quite lengthy and  
11 I don't have the resources to provide those, so the  
12 Commission can download them and review them  
13 electronically in their computer, consistent with the  
14 Obama Administration's initiative to cut federal  
15 spending in any which manner that it can be attained.

16 CHAIR BLOUNT: And that would be  
17 appropriate sir, if you would submit them on a disc,  
18 to our document control desk, that would cut down on  
19 the amount of paper you need to submit. But I  
20 appreciate that.

21 So with that, and in addition, I would  
22 also offer that your specific suggestions that the  
23 staff has acted inappropriately, can be directly  
24 submitted to the Office of the Inspector General.

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1                   With that, thank you very much, court  
2 reporter, do you have any questions for anyone?

3                   COURT REPORTER: Is there someone on the  
4 phone called Tom Setzer, region I?

5                   MR. SETZER: Yes, that's Tom Setzer, S-E-  
6 T-Z-E-R.

7                   COURT REPORTER: Spell that again.

8                   MR. SETZER: S-E-T-Z-E-R, Tom.

9                   COURT REPORTER: Thank you. That's it.

10                  CHAIR BLOUNT: Thank you very much. With  
11 that, this PRB session is terminated. We are closing  
12 the session, terminating the call. Thank you very  
13 much, folks.

14                                   (Whereupon the above-entitled  
15 matter was adjourned at 10:30  
16 a.m.)

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