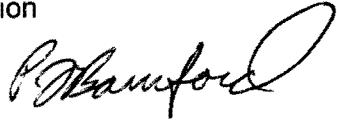




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 8, 2011

MEMORANDUM TO: Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Peter Bamford, Project Manager 
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: MEMORANDUM TO FILE: TRANSCRIPT FOR 10 CFR 2.206
PETITION REGARDING LIMERICK SCRAMS – SECOND
TELECONFERENCE WITH PETITIONER

The purpose of this memorandum is to provide, and make publically available, a transcript of the second teleconference associated with a petition submitted by Mr. Thomas Saporito regarding the Limerick Generating Station. The petition was submitted pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206. The enclosure contains the transcript from the petitioner's second opportunity to address the petition review board (PRB) which occurred on June 30, 2011. The transcript has been corrected based upon review by the NRC staff, as supported by the audio recording of the call. Areas where corrections were made to the original transcript are marked in square brackets.

Docket Nos. 50-352 and 50-353

Enclosure:
As stated

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition RE Limerick Scrams

Docket Number: [50-352, 50-353]

Location: (telephone conference)

Date: Thursday, June 30, 2011

Work Order No.: NRC-998

Pages 1-51

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Enclosure

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL

6 RE:

7 LIMERICK SCRAMS

8 + + + + +

9 THURSDAY

10 JUNE 30, 2011

11 + + + + +

12 The conference call was held, David Skeen, Chairperson
13 of the Petition Review Board, presiding.

14 PETITIONER: THOMAS SAPORITO

15 PETITION REVIEW BOARD MEMBERS:

16 DAVID SKEEN, Petition Review Board Chairman
17 and Deputy Director, Division of Engineering, Office
18 of Nuclear Reactor Regulation

19 PETER BAMFORD, Petition Manager for 2.206
20 Petition

21 MERRILEE BANIC, 2.206 Petition Coordinator

22 AUDREY KLETT, Performance Assessment Branch,
23 Office of Nuclear Reactor Regulation

24 MUHAMMAD RAZZAQUE, Reactor Systems Branch,
25 Office of Nuclear Reactor Regulation

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NRC REGION I STAFF:

ANDREW ROSEBROOK, Senior Project Engineer,
Division of Reactor Projects, Region I

ALSO PRESENT:

GLENN STEWART, Exelon Nuclear Licensing

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

10:04 a.m.

1
2
3 MR. BAMFORD: Hi. This is Peter Bamford
4 with the NRC. Before we get started I just want to
5 check and make sure that everybody is on the line that
6 needs to be for this call.

7 I heard Region I and Mr. Saporito.

8 How about the court reporter?

9 COURT REPORTER: I'm here. This is the
10 court reporter.

11 MR. BAMFORD: Okay.

12 How about the licensee?

13 MR. STEWART: Hey, Peter. You've got
14 Glenn Stewart here, [from] Exelon.

15 MR. BAMFORD: Okay. All right. Then I
16 think we'll get started.

17 I would like to thank everybody for
18 attending this teleconference. My name is Peter
19 Bamford. I'm the Limerick Generating Station
20 [project] manager here at NRR.

21 We are here today to allow the petitioner,
22 Thomas Saporito, to address the Petition Review Board
23 regarding a 2.206 petition dated June 1, 2011, and
24 supplemented by a teleconference held on June 13,
25 2011.

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1 I'm the petition manager for the petition
2 and the Petition Review Board chairman is David Skeen.

3 As part of the Petition Review Board's review of this
4 petition, Thomas Saporito has requested this
5 opportunity to address the PRB, Petition Review Board.

6 This teleconference is scheduled from
7 10:00 to 11:00 eastern time. It's being recorded by
8 the NRC Operations Center and will be transcribed by a
9 Court Reporter. The transcript will become a
10 supplement to the petition. The transcript will also
11 be made publicly available.

12 I would like to open the teleconference
13 with introductions. As we go around the room, please
14 be sure to clearly state your name, your position, and
15 the office you work for with the NRC for the record.

16 I'll start off. Peter Bamford, Office of
17 Nuclear Reactor Regulation here at the NRC.

18 CHAIRMAN SKEEN: This is Dave Skeen. I'm
19 also with the Office of Nuclear Reactor Regulation at
20 the NRC and I'm the Petition Review Board chair.

21 MR. RAZZAQUE: This is Muhammad Razzaque
22 from Reactor Systems Branch, NRR.

23
24 MS. KLETT: This is Audrey Klett. I'm a
25 reactor operations engineer with NRR.

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1 MS. BANIC: Lee Banic, petition
2 coordinator, NRR.

3 MR. BAMFORD: That's it for folks here at
4 headquarters. Is there anybody from headquarters on
5 the phone? Okay.

6 How about NRC participants in the regional
7 office. Could you please introduce yourself?

8 MR. ROSEBROOK: Andy Rosebrook. I'm a
9 senior project engineer for Division of Reactor
10 Projects. That's in Region I.

11 MR. BAMFORD: Okay. Any representatives
12 of the licensee, please introduce yourself.

13 MR. STEWART: Glenn Stewart, Exelon
14 Nuclear Licensing.

15 MR. BAMFORD: Okay. Anybody else from
16 Exelon, Glenn?

17 MR. STEWART: There might have one or two
18 more that I was expecting but they haven't joined the
19 call.

20 MR. BAMFORD: Okay.

21 Mr. Saporito, would you please introduce
22 yourself for the record?

23 MR. SAPORITO: Yes. My name is Thomas
24 Saporito. I'm a senior consulting associate,
25 Saprodani Associates in Jupiter, Florida, and I'm the

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1 petitioner in this proceeding.

2 MR. BAMFORD: It's not required for
3 members of the public to introduce themselves for the
4 call. However, if there are any members of the public
5 on the phone that wish to do so at this time, please
6 state your name for the record.

7 I would like to emphasize that we need to
8 speak clearly and loudly to make sure that the court
9 reporter can actually transcribe the teleconference.
10 If you do have something you would like to say, please
11 first state your name for the record.

12 For those dialing into the teleconference,
13 please remember to mute your phones to minimize any
14 background noise or distractions. If you do not have
15 a mute button, you can do this by pressing the *6 key
16 on your telepad and to unmute press the [*]6 key
17 again. Thank you.

18 At this time I'll turn it over to the PRB
19 chairman Dave Skeen.

20 CHAIRMAN SKEEN: Thanks. Good morning and
21 welcome, everyone, to this second teleconference
22 regarding the 2.206 petition submitted by Mr.
23 Saporito.

24 I would like to first share some
25 background on the process that we follow here. The

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1 section 2.206 of Title 10 of the Code of Federal
2 Regulations describe[s] the petition process. It's
3 the primary mechanism for the public to request
4 enforcement action by the NRC in a public process.
5 This process permits anyone to petition the NRC to
6 take enforcement type action related to NRC licensees
7 or licensed activities.

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

15 The purpose of today's teleconference is
16 to give the petitioner an opportunity to provide any
17 additional explanation or support for the petition
18 before the Board makes our final decision.

19 This teleconference is not a hearing, nor
20 is it an opportunity for the petitioner to question or
21 examine the Petition Review Board on the merits or
22 issues presented in the petition request.

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

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1 will conduct further internal deliberations. The
2 outcome of these internal deliberations will then be
3 discussed with the petitioner.

4 The Petition Review Board typically
5 consists of a chairman, which is usually a manager at
6 the senior executive service level at the NRC, as well
7 as a petition manager and a PRB coordinator. Other
8 members of the Board are determined by the NRC staff
9 based on the content of the information that is in the
10 petition request.

11 At this time I would like to introduce
12 again the Board here. I'm [D]ave Skeen, Petition
13 Review Board chairman. Peter Bamford is the petition
14 manager and Marrilee Banic is the PRB coordinator.

15 The technical staff that we have includes
16 Muhammad Razzaque from the Office of Nuclear Reactor
17 Regulation, Reactor Systems Branch[,] Andy Rosebrook
18 from NRC Region I in the Division of Reactor Projects,
19 and Audrey Klett from the Office of Nuclear Reactor
20 Regulation, Performance Assessment Branch.

21 As described in our process, the [NR]C
22 staff may ask clarifying questions in order to better
23 understand the petitioner's presentation and to reach
24 a reasoned decision whether to accept or reject the
25 petitioner's request for review under the 2.206

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1 process.

2 Now I would like to summarize the scope of
3 the petition that is under consideration and the NRC's
4 activities to date. On June 1, 2011, Mr. Saporito
5 submitted to the NRC a petition under 2.206 regarding
6 two scram events which occurred at the Limerick
7 Generating Station Unit 2 on May 29th and May 30th,
8 2011.

9 In this petition request Mr. Saporito
10 requested that the NRC take two actions. One, take
11 escalated enforcement action against Exelon Generating
12 Company, LLC, and suspend or revoke the NRC license
13 granted for operation of the Limerick Generating
14 Station.

15 Two, issue a notice of violation with a
16 proposed civil penalty against the licensee and Mr.
17 John Rowe, the chairman and chief executive officer of
18 the Exelon Corporation in this matter.

19 As the basis for this request, Mr.
20 Saporito states that on or about May 30, 2011 Limerick
21 Generating Station experienced an unexpected shutdown,
22 or scram event, at Unit 2 where two reactor
23 recirculation pumps tripped offline during reactor
24 start-up operations.

25 This significant event followed a similar

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1 significant event which occurred less than 36 hours
2 earlier on the very same nuclear reactor where the
3 nuclear reactor experienced the scram event.

4 He further states that the licensee failed
5 to properly analyze, determine, and correct the root
6 cause of the initial scram event which apparently led
7 to the second scram event which did occur less than 36
8 hours later.

9 The petitioner is concerned that these
10 unexpected scram events are serious events which
11 challenge nuclear safety systems designed to protect
12 public health and safety from exposure to nuclear
13 particles and contamination.

14 Mr. Saporito states that the fact that the
15 licensee failed to properly analyze, determine, and
16 correct the root cause of the initial scram event
17 prior to restarting the nuclear reactor in question
18 significantly undermines any confidence that the NRC
19 can have that the licensee will comply with the
20 agency's safety regulations in the operation of the
21 Limerick Generating Station under 10 CFR Part 50.

22 Thus, the petitioner's concern that the
23 licensee cannot provide the NRC with any measure of
24 reasonable assurance that it will comply with NRC
25 regulations and requirements under 10 CFR Part 50 in

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1 the operation of the Limerick Generating Station going
2 forward.

3 Now I would like to discuss the NRC
4 activities to date. On June 2, 2011, the petition
5 manager contacted Mr. Saporito to discuss the 10 CFR
6 2.206 process and to offer an opportunity to address
7 the PRB by phone or in person. Mr. Saporito requested
8 to address the PRB by phone prior to its internal
9 meeting to make the initial recommendation to either
10 accept or reject the petition for review.

11 On June 13, 2011, we held this
12 teleconference. At this time Mr. Saporito clarified
13 the amount of the request for the civil penalty at
14 \$500,000. The PRB then held it's internal meeting and
15 on June 27, 2011, Mr. Saporito was informed of the
16 PRB's initial recommendation regarding the petition
17 which is to reject the petition for review because it
18 does not provide any element of support beyond the
19 basic assertions to warrant further inquiry.

20 Part of the Board's rationale for this
21 initial determination is summarized as follows at this
22 time. In both the original petition and in the June
23 13, 2011 teleconference the petition provided a
24 summary of recent events at the Limerick Generating
25 Station.

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1 The PRB generally agrees that the events
2 are described correctly. However, the petitioner's
3 primary basis for the requested action is the
4 assertion that the licensee did not perform a proper
5 root cause analysis of these various events prior to
6 the reactor restart citing the lack of such
7 information in the 10 CFR 50.72 event reports that
8 were made by the licensee.

9 I can certainly understand how someone
10 could reasonably assume that the licensee did not
11 perform a root cause analysis of the events based on
12 the reading of the information in the 50.72 event
13 notifications. However, I think it would be
14 worthwhile at this point to explain to the petitioner
15 a little bit about the NRC's reporting requirements
16 and our follow-up process that we do to our reactor
17 oversight process.

18 First, reports made under 10 CFR 50.72 are
19 meant to inform the NRC in a timely manner about
20 events such as the actuation of the reactor protection
21 system at nuclear power plants in order to provide us
22 with immediate notification of significant events
23 where either immediate regulatory actions to protect
24 the public health and safety may be required, or where
25 the NRC needs timely and accurate information to

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1 respond to a heightened public concern.

2 The licensee is required to report a valid
3 reactor protection system actuation to the NRC within
4 a short period of time. [And f]or scram events the
5 reporting requirement is four hours if the reactor was
6 critical at the time of the [actuation].

7 As such, these reports are not mean to
8 provide the root cause of an event but just to inform
9 the NRC of the event in case immediate action is
10 warranted, or if the NRC needs to respond to any
11 public concerns.

12 In addition to the 50.72 event
13 notification, licensees are also required to provide a
14 more detailed report of the event to the NRC within 60
15 days of the occurrence of the event. This report is
16 called a license event report, or an LER, and the
17 requirements are provided in 10 CFR 50.73.

18 The NRC now has either received, or
19 expects to receive, LERs from Limerick regarding all
20 the scram events that were described in either the
21 original petition or in the supplemental
22 teleconference that we held on June 13, 2011.

23 In addition to these reporting
24 requirements that all reactor licensees must follow,
25 the NRC has resident inspectors at all nuclear power

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1 plant sites, including Limerick, to work at the site
2 every day and respond to all plant scrams in order to
3 monitor the licensee's action to evaluate the cause of
4 the scram prior to the licensee restarting the unit.

5 The NRC inspectors are in contact with the
6 managers in the NRC regional office on a daily basis.

7 This interaction between the inspector and the NRC
8 regional office ensures that NRC management is aware
9 of the apparent cause of the event prior to the
10 licensee's restart of the reactor so that the NRC is
11 in a position to challenge the licensee about
12 restarting if there is any safety concern.

13 In each of the cases at Limerick described
14 by the petitioner, the resident inspectors monitored
15 the restart process after the plant was scrambled
16 including the status of the licensee's investigation
17 of the causes of the event and the inspectors
18 identified no immediate safety concerns with
19 restarting the units.

20 Therefore, since the petitioner's request
21 is based on the information in the 50.72 notifications
22 and no additional facts or information have been
23 provided beyond the description in the 50.72 reports,
24 the Petition Review Board made an initial
25 determination that the request should be rejected.

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1 Hopefully this short explanation helps in
2 understanding part of the rationale for the PRB's
3 initial recommendation.

4 Now, as a reminder for the phone
5 participants, please identify yourself if you make any
6 remarks as this will help us in the preparation of the
7 teleconference transcript that will be made publicly
8 available and I thank you for that.

9 At this time, Mr. Saporito, I'll turn it
10 over to you to allow you to provide any further
11 information you believe the PRB should consider before
12 we make our final decision.

13 MR. SAPORITO: Thank you, Mr. Chairman.
14 My name for the record again is Thomas Saporito. I'm
15 a senior consulting associate with Saprodani
16 Associates based in Jupiter, Florida. We maintain a
17 website at saprodani-associates.com with a hyphen
18 between those two words spelled S-A-P-R-O-D-A-N-I -
19 associates.com.

20 First of all, let me correct the record
21 that was misrepresented in my view as stated by the
22 NRC this morning. First of all, there was an initial
23 petition filed by myself on June 1, 2011 and the
24 enforcement action as stated by the NRC was correct.
25 And there was a subsequent June 13, 2011

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1 teleconference call.

2 However, the NRC conveniently surmised
3 that the gist of that teleconference call at the NRC
4 was merely to request \$500,000 worth of enforcement
5 action. That's wholly unsupported by the record in
6 this proceeding. It's misleading to the public and to
7 the media who may be attending this meeting.

8 It calls into question the NRC's
9 credibility in this matter because the NRC is here to
10 protect public health and safety. It's the only
11 government agency charged by the United States
12 congress to serve that function.

13 Now, let me clarify the background of this
14 proceeding because it was not properly provided to the
15 public by the NRC this morning. I received an email
16 correspondence from Peter Bamford, B-A-M-F-O-R-D.
17 He's an NRC employee. I received this on June 27,
18 2011.

19 The gist of this it says, "Based on
20 information in your petition and the supplemental
21 information you provide in a teleconference on June
22 13, 2011, PRB's initial recommendation is that the
23 petition does not meet the criteria for review. Per
24 NRC management directive MD 8.11 the facts that
25 constitute the basis for taking that particular action

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1 must be specified and the petitioner must provide some
2 element of support beyond the [bare] assertion.

3 Your petition did not provide any element
4 of support, i.e., new or pertinent facts related to
5 the need for the requested action, beyond the basic
6 assertions to warrant further inquiry. There is some
7 other language in there. I was suppose[d] to get a
8 written statement from the NRC to justify their
9 denying the petition request. I never received that
10 in the mail to this date.

11 Now, with that statement from that email
12 letter from Mr. Bamford, I want to describe to the
13 public and for the record how erroneous that statement
14 is. On[], June 13, 2011 through the telephone
15 conference, that telephone conference call was a
16 supplement to the original petition.

17 For the public's information, when you
18 file a petition under 2.206 you're not allowed to talk
19 to the NRC with a dialogue. All you are allowed to do
20 is make statements on the record like I'm doing here
21 today but you can't talk to the NRC. You can't ask
22 them, "What are you thinking here? What do you think
23 about what I said? Do you want me to clarify
24 anything?"

25 It doesn't happen. They just sit there.

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1 They are like sponges and hopefully they absorb what
2 you're talking about. Apparently they didn't in this
3 case because they made a terrible erroneous decision.

4 [Now t]he record that was transcribed by
5 the NRC on Jun 13, 2011 clearly reflects the
6 following. On page 11 of that record it stated
7 specifically, "Because the licensee failed to properly
8 analyze, determine, and correct the root cause of one
9 or more scram events or nuclear reactor trips prior to
10 the restart of the subject nuclear reactor, that
11 action significantly undermines any confidence or
12 reasonable assurance that the NRC can have that the
13 licensee will comply with the [AEC's] safety
14 regulations under 10 CFR Part 50 in operation of the
15 Limerick Nuclear Plant.

16 It goes on to say on page 11 and 12 that,
17 "Petitioners request, (1) that the NRC suspend or
18 revoke the NRC licenses issued to the licensee
19 authorizing operation of the Limerick Nuclear Plant.

20 And (2) that the NRC issue a notice of
21 violation with a civil penalty in the amount of
22 \$500,000 against the licensee to make certain that the
23 licensee realizes the serious, serious nature of the
24 violation and endangerment to public health and safety
25 and to ensure that recurrence of this type of

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1 violation is prevented."

2 Then the transcript continues on page 13
3 and says, "In addition, as the NRC stated this
4 morning, the[y] conveniently again only describe two
5 events that were the subject of the initial petition."

6 Again, this petition was supplemented by this record
7 that I'm reading now, the July 13th teleconference
8 record.

9 On page 13 it specifically says, "On
10 February 25, 2011 Unit 2 employed a manual nuclear
11 reactor trip from 100 percent power. On April 2,
12 2011, Unit 2 refueling outage activities and inverter
13 alternate power manual transfer switch was transferred
14 from the primary alternate to the secondary alternate
15 position. This resulted in a primary containment
16 isolation valve automatically closing on more than one
17 system."

18 Continuing on page 14, "On May 29, 2011,
19 Unit 2 nuclear reactor tripped offline. On May 30,
20 2011, Unit 2 was manually tripped offline. On June 3,
21 2011, Unit 1 tripped offline from 100 percent power."

22 Continuing on page 15, "This history
23 highlights the seriousness of the events that have
24 occurred during the short period of six months at the
25 Limerick Nuclear Plant. The scram event, or an event

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1 where the nuclear reactor automatically shuts down or
2 trips offline, places a tremendous amount of stress on
3 the entire nuclear reactor system and supporting
4 equipment. This stress can cause failure of one or
5 more systems at any time, especially of the reactor
6 vessels."

7 It continues at the bottom of page 15.

8 "And after 40 years of operation the reactor vessel at
9 the Limerick Nuclear Station on has become embrittled
10 to a certain degree from the [e]ffects of high-level
11 radiation bombardment during the fission process which
12 takes place in the reactor core during normal plant
13 operations on a seven-day 24-hour basis."

14 Continuing on page 16. "Clearly this
15 number of nuclear reactor scrams, be it automatic or
16 manual, it should be seen by the NRC as unacceptable
17 performance by the licensee. The NRC should increase
18 its inspection activities in accordance with its own
19 reactor oversight process and to ensure for the
20 protection of public health and safety."

21 The record continues on page 18,
22 "Petitioner further feels that there is a lack of
23 training on system functionality and repair activities
24 on the part of the licensee at the Limerick Nuclear
25 Station.

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1 There also appears to be a lack of
2 supervisory oversight during repair activity at the
3 Limerick Nuclear Station where apparently management
4 were not doing their job to oversee the maintenance
5 activities of the nuclear workers at the Limerick
6 Nuclear Plant when they do repair activities at the
7 plant, when they do post-maintenance activity on the
8 repair activities at the plant, and when they do
9 surveillance testing."

10 Continuing on page 19, "Most concerning to
11 petitioners is the failure on the part of the licensee
12 to affirmatively determine a root cause of the nuclear
13 reactor trip prior to restart with a nuclear reactor."

14 Now, that record speaks for itself which I
15 just read into the record for a second time. Clearly
16 it shows that the NRC misled the public this morning
17 and they skimmed over all that evidence and all that
18 supplemental information which the NRC Petition Review
19 Board sitting here today at this meeting was required
20 to review and required to consider.

21 We're not talking about just a couple of
22 scram events or reactor trips that happened in
23 approximately June of this year. We're talking about
24 a sequence of reactor trips, either manually or
25 automatic, where the reactor was inadvertently shut

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1 down, for one reason or another, over the course of
2 six months. Six months.

3 We're talking about plant nuclear workers
4 who go in during a refueling outage[, you know], and
5 open electrical circuits for an inverter to switch an
6 inverter supply, power supply, from one position to
7 another so that it can do some kind of testing and it
8 automatically engages safety systems and containment
9 isolation on more than one system.

10 Apparently they are not trained right, or
11 maybe there's a problem with the procedures, or maybe
12 there's a problem with the procedures and they are not
13 trained right. For sure they are not supervised
14 correctly. Where was the supervisor for those crews
15 when that was happening?

16 Where was the interaction between the
17 maintenance activities and plant operations when that
18 event happened? That event could have happened for
19 any other safety-related system. Fortunately for the
20 public health and safety it happened to the
21 containment isolation.

22 These were all put into the record. [T]he
23 NRC Petition Review Board[] didn't bother looking at
24 them. Didn't bother considering them but they are
25 part of the record. They are required under the law

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1 to review that information and to consider it as
2 supplemental information just the same as if I had
3 written it word for word into the original petition.
4 They apparently did not do that. [The] petition talks
5 specifically to the reactor vessel itself and how
6 brittle that reactor vessel is. Forty years of
7 operation.

8 The Limerick Nuclear Plant at the very end
9 of its original license, the original safety design
10 basis and the final safety analysis report, during the
11 fission process high-level radioactive neutrons are
12 bombarding the metal of that reactor vessel day in and
13 day out, 24 hours a day, seven days a week for the
14 entire time that reactor is online. That causes the
15 metal in the reactor vessel to become brittle.

16 This is a scientific fact. This is well
17 known to the United States Nuclear Regulatory
18 Commission and has been known to the Nuclear
19 Regulatory Commission since the agency was created in
20 1974 through the Energy Reorganization Act, and before
21 that under the Atomic Energy Commission.

22 But the NRC Petition Review Board
23 apparently didn't consider how embrittled the reactor
24 vessel is. We're talking -- I'm only talking about
25 six months here where the reactor has been tripped

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1 offline one time after another time after another time
2 after another time for one reason after another reason
3 after another reason.

4 That is a tremendous amount of stress
5 placed on that reactor vessel and all the safety
6 related systems associated in that scram event. That
7 could cause that reactor vessel to s[h]atter just like
8 a glass and then you're going to have a core meltdown
9 just like in Japan where there are three nuclear
10 reactors melting down simultaneously and nothing on
11 this planet is going to stop that reactor from melting
12 down.

13 It will be an uncontrolled nuclear reactor
14 meltdown. It don't matter how many fire trucks you
15 pull up there to pour water onto it, the water is
16 going to come right out of the vessel because it's
17 cracked or shattered. You're not going to stop that
18 meltdown. You are going to release tremendous amounts
19 of hydrogen as that water boils away.

20 The containment building is going to
21 become full of hydrogen just like in Japan and you are
22 going to have huge explosion just like in Japan, and
23 you are going to contaminate the environment just like
24 in Japan for miles and miles and miles by air, by
25 land, and by sea. You are going to have to evacuate

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1 hundreds, if not millions, of people not just living
2 around Limerick depending on wherever that wind
3 carries that plum[e].

4 The seriousness of these reactor trips can
5 not be understated here. [And] if you take into
6 context the history of this plant, we could be here
7 all day talking about how many times the reactor
8 tripped offline prior to 2011 but I'm just talking
9 about the first six months. This is a tremendous
10 amount.

11 The NRC says, "Well, we protect public
12 health and safety because we have a Reactor Oversight
13 Process. Yeah. [And] you know, we periodically go in
14 there on a quarterly basis and inspect different areas
15 of the plant. If anybody would take the time to read
16 this, it's a hopscotch type of inspection.

17 They don't inspect the entire plant. They
18 just pick and choose certain areas. Then even if they
19 find serious violations, you know, the chairman
20 Gregory Jaczko, J-A-C-Z-K-O, I think he pronounces it
21 Jaczko, it's his view and his policy that you don't
22 cause the licensee to pay any fines.

23 No. What we'll do instead we'll just
24 increase our inspection activities. Is that
25 protecting public health and safety? Not in my view.

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1 If there is anybody in the public listening to this,
2 this is how bad it's gotten in the United States.

3 Getting back to the chairman's remarks
4 today, you know, he talked about the Petition Review
5 Board, you know, they look at your petition in light
6 of 10 CFR 50.72 reports, LERs, 10 CFR 50.73 reports.
7 Apparently you got your information off these reports
8 about whether or not the licensee reported a root
9 cause.

10 But, you know what? The licensee is
11 required to tell us about the root cause and their
12 corrective actions in these other documents, the 50.72
13 documents, the 50.73 documents, licensee LERs, etc.,
14 etc. But, you know what? The NRC chairman, or
15 spokesperson, today said that the NRC expects to
16 receive these reports.

17 Expects to receive them. That means that
18 they haven't received them. The NRC Petition Review
19 Board made their flawed judgment on my petition
20 requesting enforcement action without even having the
21 benefit of these reports in front of them from the
22 licensee. [Now, w]hy did they make this rush to
23 judgment? What was so urgent that they couldn't wait
24 for these reports to come in here before rejecting my
25 petition out of hand?

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1 I demand on this public record today that
2 the NRC forward a copy of the entire transcript to
3 this case and all associated documents in connection
4 with the filing of this petition to the NRC Office of
5 the Inspector General so that agency can make an
6 informed decision as to whether the NRC should be
7 investigated for wrongdoing and noncompliance with
8 their own regulations under [MD 8.11]. And a lack of
9 common sense quite frankly.

10 I also request that a copy of all these
11 same documents be provided to Senator Edward Markey of
12 the United States Congress for his review. Also, the
13 chairman or whoever the spokesperson was today from
14 the NRC said, "We have resident inspectors. They were
15 there in the control room and they didn't see any
16 immediate safety concerns which would have prevented
17 them from letting the licensee bring these reactors
18 back online."

19 Well, if you read some of those documents
20 from the NRC, you'll see that the resident inspectors
21 looked to see if they followed procedures in
22 restarting the reactor and controlling the situation
23 from that point of view. The resident inspectors
24 didn't go out there and do any inspection activities.

25 They didn't go out there and check the

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1 reactor vessel or do any type of investigation as to
2 why the reactor was shut down manually or as to why
3 the reactor tripped offline. No. In fact, the record
4 speaks for itself. It shows the very short turnaround
5 time in hours, a matter of hours from when the reactor
6 is tripped offline to when it's restarted in full view
7 and plain site of the NRC resident inspectors.

8 How is that protecting public health and
9 safety? When you have a serious, serious event where
10 the reactor is tripped offline manually or
11 automatically, the NRC should require the licensee to
12 keep that reactor offline in a cold shutdown mode of
13 operation until a[] thorough and valid and credible
14 investigation is completed to the NRC's satisfaction
15 to ensure that the root cause has been affirmatively
16 identified and that preventive measures were taken so
17 that particular event doesn't reoccur, that root cause
18 that caused the reactor to trip offline, or the root
19 cause that caused the operator to bring that reactor
20 offline doesn't happen again.

21 That root cause could be a number of
22 things. It could be improper training, a piece of
23 equipment which is [defective], a piece of equipment
24 which was improperly maintained, piece of equipment
25 that housed a bad original equipment manufacturer's

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1 part in it, a surveillance test that was missed,
2 employee didn't follow [a] procedure.

3 That root cause has to be determined and
4 there is nobody with a lick of common sense that is
5 going to accept the NRC's position that a nuclear
6 plant can be turned around in a matter of hours and
7 brought back online without determining what the root
8 cause is. You have to shut it down and you have to
9 take the time. It's going to take more than hours to
10 do a proper investigation.

11 The NRC admitted on this public record
12 today that they are still waiting on 10 CFR 50.72
13 documents, 10 CFR 50.73 documents from the licensee to
14 describe exactly what the root cause was and what
15 measures they took to prevent reoccurrence, etc., etc.

16 so the NRC made a rush to judgment, "[The]
17 hell with public health and safety. We've got to help
18 the licensee get this reactor back online so they can
19 make their million dollars a day." That's right, a
20 million dollars a day revenue for each nuclear
21 reactor.

22 Now, I asked for enforcement action to
23 suspend, revoke the license and to issue a monetary
24 penalty. The NRC just blew all that off. Didn't even
25 consider that. Didn't even as much take any

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1 enforcement action. They didn't increase inspection
2 activities. They didn't issue notices [of] violation,
3 nothing.

4 [And] recently the Brown Ferry Nuclear
5 Power Plant operated by, I believe, Tennessee Valley
6 Authorit[y], the licensee, the NRC over there issued a
7 red finding. That's the highest violation that the
8 NRC has on their books.

9 Why? Because there was apparently a valve
10 that would not have operated when called to do its job
11 because it had a defective seal or some part from the
12 manufacturer was defective and it wasn't caught in a
13 licensee surveillance program, etc., etc.

14 But the NRC issued a red finding. That's
15 an escalated type of enforcement action that requires
16 more oversight on the part of the NRC. That was just
17 for one valve, one piece of equipment in the tens of
18 thousands of pieces of equipment at the nuclear plant.

19 Here talking about something a hundred fold more
20 serious.

21 We're talking about a nuclear reactor
22 tripping offline, manually or automatically, numerous
23 times within a six-month period of time. We're
24 talking about nuclear plant workers throwing the wrong
25 switch causing [power] to fail on vital safety-related

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1 equipment which caused containment isolation valves to
2 actuate which they shouldn't have [done].

3 You're talking about employees who don't
4 appear to be trained well or in procedures don't
5 appear to be guiding these employees right. There
6 appears to be a lack of understanding on make-no-break
7 electrical cont[acts] when they change the power
8 configuration from one inverter power supply to
9 another. A lack of management supervisory oversight.

10 A lack of communications between the control room and
11 these maintenance activities.

12 But the NRC they didn't even consider
13 that. The Petition Review Board just blows all that
14 off, too. Well, there has got to be a reason that the
15 NRC is failing to protect public health and safety in
16 these circumstances, and there is.

17 A recent report by the Associated Press
18 dated June 27, 2011, and other reports show the AP has
19 reported that aging plants, their lives extended by
20 industry and regulations are prone to breakdown that
21 can lead to accidents. The AP found serious
22 weaknesses in plants or evacuations around the plants
23 including emergency drills to move people, and failure
24 to test different scenarios involving weather or the
25 time of day.

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1 AP analysis also showed that four million
2 people now live within 10 miles of 65 operating sites.

3 There are choke points everywhere with respect to
4 evacuations. Most concerning to the public should be
5 this statement.

6 These [is] findings by the Associated
7 Press. Playing With the Numbers this is entitled. It
8 says, "Part of this investigation the Associated Press
9 has reported that researcher's numbers and
10 assumptions, along with NRC regulations, have been
11 periodically adjusted to keep the reactors within the
12 stated limits for operating safety."

13 Is that incredible or what? That means
14 that the NRC has safety rules, regulations, standards,
15 and guidelines like the ones I talk about concerning
16 the reactor vessel, the degree that it's embrittled.
17 Over the years the NRC has consistently relaxed these
18 safety margins.

19 Otherwise, these nuclear reactors
20 including the Limerick Nuclear Power Plant would not
21 be operating today because I'm telling you here on
22 this record today it's not a matter of if but a matter
23 of when one of these 104 nuclear reactor vessels is
24 going to crack and shatter and there is going to be a
25 serious nuclear meltdown.

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1 I hope to God it's not the Limerick
2 Nuclear Plant but the NRC has taken no investigative
3 efforts, made no independent investigation or findings
4 to determine just how embrittled and how brittle the
5 vessel metal of the Limerick Nuclear Reactor is. But
6 that was part of my petition and they didn't consider
7 that.

8 That is something that they are required
9 to consider in Management Directive 8.11. That's what
10 this whole process is for; so the public can
11 participate; so public stakeholders have a say in
12 their own safety; so the NRC can be held accountable
13 to do their jobs.

14 On my website that I mentioned earlier,
15 saproDani-associates.com, if you go to that website
16 there is the entire video portion of the AP
17 investigative findings and it shows the complacency of
18 the NRC. I stand to tell you today the NRC is
19 extremely complacent with the oversight inspection
20 activities and the lack of enforcement action at the
21 Limerick Nuclear Power Generating Station.

22 As incredible as it may sound and seem,
23 the record transcripts for June 13, 2011, clearly
24 reflect -- I specifically asked at the end of my
25 testimony on that record whether or not the NRC

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1 Petition Review Board had any questions and nobody on
2 that entire panel, the same panel sitting here today I
3 would imagine, had any questions. They didn't need
4 anything clarified.

5 Nothing. That entire page after page of
6 testimony they had no questions, not one. An NRC
7 individual from, I believe, Region I had a question
8 and it only had to deal with my interpretations of
9 where I got the information that comprised the
10 petition itself which was the event report.

11 The Petition Review Board didn't have a
12 single question, didn't need anything clarified. Yet,
13 in a very short time period they turn around and deny
14 the petition. It's just a generic statement which the
15 Chairman apparently mischaracterized the entire scope
16 with the petition and supplemental testimony which
17 makes the petition supplemented by law as it is being
18 supplemented today so that the public gets the NRC's
19 version which is a industry-friendly version so they
20 can have a basis to deny these petitions.

21 That is part of the bigger problem of the
22 NRC and this 2.206 process because I have written
23 through the Federal Register's notice of how the
24 process should be changed. The petitioner should be
25 able to engage the Petition Review Board members in a

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1 court of law in front of the Atomic Safety and
2 Licensing Board.

3 They need to be cross-examined and we need
4 to be able to bring expert witness testimony to bear
5 on the NRC because the NRC apparently is not a
6 credible organization and a credible agency, I should
7 say. They are not protecting public health and
8 safety.

9 Now, clearly this entire record from the
10 inception of the June 1, 2011 petition as supplemented
11 on June 13, 2011 and as supplemented today clearly
12 shows more than a sufficient basis for the NRC to take
13 the escalated enforcement action I have requested.

14 I am again going on this record and again
15 requesting the NRC to take escalated enforcement
16 action against those entities described in the
17 petition as the licensee and suspend, revoke their
18 license, issue the \$500,000 civil penalty, issue
19 notices of violation, require the licensee to make
20 affirmative and definitive determinations as to root
21 cause of each and every nuclear reactor trip or scram
22 for the entire 2011 time period, this six months we're
23 talking about from January through the end of June.

24 Require the licensee to review their
25 training programs and review through testing the

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1 knowledge of their maintenance crews, the training of
2 their management and supervisory personnel who oversee
3 maintenance activities, to review any procedures or
4 policies or lack thereof that should require
5 communication between the control room operators who
6 were licensed by the NRC and the maintenance workers
7 and supervisory personnel when maintenance activities
8 are going on such as in a refueling outage where the
9 electrical cont[actor] for the inverter, which was a
10 make or break, inadvertently caused unwanted safety-
11 related [action] in the containment isolation valve
12 movement.

13 These are serious events and the NRC
14 inspectors aren't doing their job because they don't
15 get involved in these refueling outages to the extent
16 they should have. These issues should have been
17 highlighted by the resident inspectors. They should
18 have demanded that their region get involved and send
19 inspection teams out there, augmented inspection
20 teams, find out where these root causes are before
21 these reactors are allowed to be back on line.

22 The more times a reactor trips in such a
23 short period of time in six months should be a red
24 flag for the NRC that something is wrong here. These
25 reactors should not be tripping offline so many times

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1 in such a short period of time. But where is the
2 enforcement action?

3 Where are the notices of violation? Where
4 is the civil penalty? Where's the confirmatory
5 orders? They are all missing because the NRC is pro-
6 nuclear energy. The NRC promotes nuclear energy
7 through the failure of the agency to take enforcement
8 action.

9 The NRC won't come out and say, "We are
10 cheerleaders for the nuclear industry," but they will
11 do it by not finding -- by not issuing monetary
12 fin[e]s against a nuclear plant operator like the
13 Limerick Generating Station for violating their safety
14 margin. And they will not issue notices of
15 violations.

16 They promote nuclear power by failing to
17 issue notices of violations when these safety margins
18 are violated. That is how they do it. That's how
19 they promote it. There's a complacency, a generic
20 complacency among the whole agency. There are 104
21 nuclear plants. The United States has more nuclear
22 power plants than any other --

23 (Interruption by operator.)

24 MR. SAPORITO: Hello. Am I still on this
25 phone?

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1 MR. BAMFORD: Yes, we can still hear you,
2 Mr. Saporito. It sounds like the headquarters
3 Operations Office may have unmuted for a second
4 possibly. Can you still hear me?

5 MR. SAPORITO: Yes. May I continue[?]

6 MR. BAMFORD: Okay. Why don't we just
7 continue at this point.

8 MR. SAPORITO: All right. In summary, for
9 the benefit and protection of public health and safety
10 let [this] record reflect that the United States
11 Congress should abolish the Commission, the NRC
12 Nuclear Regulatory Commission, and replace it with a
13 structured organization with a director and, you know,
14 a regular like the Department of Energy is structured
15 with a[director], an assistant director, etc., etc.
16 so there is some accountability. There is no
17 accountability right now. It's my view public health
18 and safety is in grave, grave danger from a serious
19 nuclear accident.

20 I am going to once again offer the NRC
21 Petition Review Board an opportunity to ask any
22 questions so that I can take the time to make certain
23 they fully understand the seriousness of this petition
24 and why they are required under law to accept this
25 petition.

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1 CHAIRMAN SKEEN: Mr. Saporito, are you
2 finished?

3 MR. SAPORITO: Yes, I am.

4 CHAIRMAN SKEEN: Thank you. This is Dave
5 Skeen again. I appreciate your comments. I have a
6 question on the reactor embrittlement. Do you have
7 any information, technical information, that would
8 indicate that the reactors are embrittled at Limerick?

9 MR. SAPORITO: Just the [fact] that the
10 plant has operated for the duration it has --

11 CHAIRMAN SKEEN: Okay.

12 MR. SAPORITO: -- and with the
13 understanding that the -- excuse me. Let me finish.
14 You asked a question -- and with the understanding
15 that the neutron caused embrittlement when the fission
16 process is going on, and to the extent that the AP,
17 the Associated Press, with over a year of
18 investigation found that the reactor vessels are
19 embrittled and, in fact, interviewed the NRC, and the
20 NRC admitted that the reactor vessels become
21 embrittled from the neutron bombardment, it stands to
22 reason that the Limerick Nuclear Power Plant reactor
23 vessel is embrittled.

24 I'm requesting that the NRC conduct an
25 independent investigation to determine just -- we know

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1 it's brittle but we don't know how brittle. The NRC
2 cannot here today tell the public just how brittle
3 that reactor vessel is or whether it's going to crack,
4 whether it's beyond the safety margin, even the
5 revised safety margins that the NRC has lessened over
6 the years. That's a concern that we want resolved.

7 CHAIRMAN SKEEN: Okay. I appreciate that.

8 Thanks for that clarification. Also, I understand
9 that you want the record of the prior phone call as
10 well as this one to be considered supplements to your
11 petition. Is that correct?

12 MR. SAPORITO: Absolutely. Yes, sir.

13 CHAIRMAN SKEEN: Okay. I think that's all
14 the questions I have.

15 I'll ask staff, do you have any questions
16 for Mr. Saporito?

17 Okay. Hearing none here, how about the
18 Regions? Andy, do you have any questions?

19 MR. ROSEBROOK: I [don't] have [any]
20 questions but there are a couple items just for the
21 record. As indicated on the transcript on page 42, I
22 am a member of the Petition Review Board and I did ask
23 a clarifying question on June 13th that was directly
24 related to the understanding what the basis of your
25 initial [claim] was.

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1 One other item I think should be at least
2 clarified in the record is the statement that Limerick
3 has been operating for 40 years isn't totally
4 accurate. Full power license was granted for Unit 1
5 in 1985 and Unit 2 in 1989. I just wanted to make
6 that correction [to] the record.

7 I definitely appreciate your passion on
8 this issue. I think I would like to understand what
9 your -- you talk about the reactor oversight process.

10 Based on the timeliness expectations for the NRC to
11 take enforcement action on an issue, what is your
12 understanding of how much time it takes to intercede a
13 processing issue considering that these scrams
14 happened late last month, or May?

15 MR. SAPORITO: Well, first of all, let me
16 stand corrected. When reading the record I saw that
17 you were from Region I. I was not aware -- I should
18 have read the transcripts more accurately. I got up
19 early today but had a bunch of things to do to get
20 ready for this meeting but I didn't know you were a
21 member of the Petition Review Board so I stand
22 corrected on that point.

23 With respect to the age of these reactors,
24 they have operated sufficient -- the Limerick plant
25 has operated more than sufficient to cause

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1 embrittlement of the reactor vessel no matter if it
2 has operated 40 years or not. The determination to
3 the embrittlement is critical to reactor safety. That
4 is one thing the NRC should look into.

5 With respect to reactor oversight process,
6 it's a failed program in my view. The NRC used to
7 have the Systematic Assessment of Licensee
8 Performance, SALP. It was a much more effective
9 program. The inspection entailed the entire plant
10 from top to bottom, all the systems, all the
11 procedures, interviews, etc.

12 For some reason the NRC did away with that
13 program, replaced the reactor oversight process which
14 basically has four pillars, or four corners of
15 expectation, blah, blah, blah. Whether you meet those
16 or not, the NRC will consider increasing inspection
17 activities but it's not a clear-cut process and it's
18 haphazard. The NRC only inspects part of the plant
19 one time, part of it at another.

20 Maybe eventually it all gets inspected but
21 the public is being denied the safety critique of the
22 NRC because the entire plant is not being overviewed
23 on a quarterly basis. There's a lot of stuff in those
24 plants.

25 Tens of thousands of pieces of equipment

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1 and procedures and stuff that should be looked at on a
2 quarterly basis by the NRC which are not. Whether
3 it's the staffing, funding, whatever, I don't know
4 what the problem is. All I know is the public is in
5 grave jeopardy because of it.

6 With respect to the timeliness issue of
7 the NRC, my point today was the Petition Review Board
8 apparently made a rush to judgment in denying my
9 petition without having the benefit of the documents
10 that were required to be produced by the licensee
11 under the regulations that I spoke to earlier.

12 To the extent that the NRC continues to
13 employ the reactor oversight process with respect to
14 operations of the Limerick Nuclear Power Plant, it is
15 my contention, and it's just a matter of common sense,
16 that when a nuclear reactor trips offline, if the
17 NRC's mission was truly to protect public health and
18 safety and the environment with respect to the
19 Limerick Nuclear Power Plant, then the NRC should
20 issue a confirmatory order preventing that nuclear
21 power plant from restart until all the information
22 that the licensee is required to provide the NRC, as
23 was mentioned today, 10 CFR 50.72 and .73, etc., etc.,
24 licensee [event] reports, whatever is required, should
25 have been provided to the NRC before that reactor was

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August 8, 2011

MEMORANDUM TO: Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Peter Bamford, Project Manager /RA/
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: MEMORANDUM TO FILE: TRANSCRIPT FOR 10 CFR 2.206
PETITION REGARDING LIMERICK SCRAMS – SECOND
TELECONFERENCE WITH PETITIONER

The purpose of this memorandum is to provide, and make publically available, a transcript of the second teleconference associated with a petition submitted by Mr. Thomas Saporito regarding the Limerick Generating Station. The petition was submitted pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206. The enclosure contains the transcript from the petitioner's second opportunity to address the petition review board (PRB) which occurred on June 30, 2011. The transcript has been corrected based upon review by the NRC staff, as supported by the audio recording of the call. Areas where corrections were made to the original transcript are marked in square brackets.

Docket Nos. 50-352 and 50-353

Enclosure:
As stated

Distribution:

PUBLIC RidsNrrPMLimerick Resource
LPL1-2 R/F

ADAMS Accession No. ML112160612

OFFICE	DORL/LPLI-2/PM	DORL/LPLI-2/BC
NAME	PBamford	HChernoff
DATE	8/4/2011	8/8/2011

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