

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition
RE Fort Calhoun Station

Docket Number: (n/a)

Location: (teleconference)

Date: Monday, August 29, 2011

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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 FORT CALHOUN STATION, UNIT 1 AND

8 COOPER NUCLEAR STATION

9 + + + + +

10 MONDAY

11 AUGUST 29, 2011

12 + + + + +

13 The conference call was held at 1:00 p.m.,
14 Brian Holian, Chairperson of the Petition Review
15 Board, presiding.

16 PETITIONER: THOMAS SAPORITO

17
18 PETITION REVIEW BOARD MEMBERS:

19 BRIAN HOLIAN, Director, Division of License
20 Renewal, Office of Nuclear Reactor Regulation

21 VIJAY GOEL, Electrical Engineer, Office of
22 Nuclear Reactor Regulation

23 MARK HAIRE, Branch Chief, Operator Licensing
24 Branch, Region IV

25

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1 PETITION REVIEW BOARD MEMBERS (CONTINUED):

2 DAN HOANG, Structural Engineer, Office of
3 Nuclear Reactor Regulation

4 ED SMITH, Reactor Systems Engineer, Balance-of-
5 Plant, Office of Nuclear Reactor Regulation

6 JUAN URIBE, Civil Engineer, Office of Nuclear
7 Reactor Regulation

8 LYNNEA WILKINS, Project Manager, Office of
9 Nuclear Reactor Regulation

10

11 NUCLEAR REGULATORY COMMISSION STAFF:

12 MARRILEE BANIC, Petition Coordinator, Office of
13 Nuclear Reactor Regulation

14 STEVE LYNCH, Federal Engineer, Office of Nuclear
15 Reactor Regulation

16 TANYA MENSAH, Petition Review Board Coordinator

17 GEORGE WILSON, Acting Deputy Director, Division
18 of Engineering, Office of Nuclear Reactor Regulation

19

20 LICENSEE REPRESENTATIVE:

21 SUSAN BAUGHN, Manager of Nuclear Licensing,
22 Omaha Public Power District

23

24

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P R O C E E D I N G S

(1:05 p.m.)

MS. WILKINS: Okay. We'll begin.

First I'd like to thank everyone for attending this meeting. My name is Lynnea Wilkins. I am the project manager for Fort Calhoun Station, Unit 1, and Cooper Nuclear Station.

We are here today to allow the Petitioner, Mr. Thomas Saporito, to address the Petition Review Board regarding the 2.206 petitions dated June 26th and July 3rd, 2011. I am the petition manager for these petitions.

The Petition Review Board Chairman is Brian Holian.

As part of the Petition Review Board's, or PRB's, review of the petition, Thomas Saporito has requested this opportunity to address the PRB. This meeting is scheduled from 1:00 to 3:00 p.m. Eastern. The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter.

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

I'd like to open this meeting with 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. Again, I am Lynnea Wilkins.
5 I'm a project manager in the Office of Nuclear Reactor
6
7 Regulations or NRR.

8 MR. HOLIAN: Yes, good afternoon. My name
9 is Brian Holian. I'm the Division Director for the
10 Division of License Renewal in NRR.

11 MR. GOEL: This is Vijay Goel. I'm an
12 electrical engineer with the NRR Office.

13 MR. SMITH: Ed Smith, reactor systems
14 engineer, Balance-of-Plant, NRR.

15 MR. HOANG: Dan Hoang, NRR, structural
16 engineer.

17 MR. LYNCH: Steve Lynch, federal engineer,
18 NRR.

19 MR. URIBE: Juan Uribe, civil engineer,
20 NRR.

21 MR. WILSON: George Wilson, acting Deputy
22 Director, Division of Engineer, NRR.

23 MS. BANIC: Lee Banic, petition
24 coordinator, NRR.

25 MS. WILKINS: We've completed the

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1 introductions here at the NRC headquarters.

2 At this time, are there any NRC
3 participants from headquarters on the phone?

4 (No response.)

5 MS. WILKINS: Not hearing any, are there
6 any NRC participants from the regional office on the
7 phone?

8 MR. HAIRE: Yes, this is Mark Haire in
9 Region IV. I'm the Branch Chief of Operator Licensing
10 Branch.

11 MS. WILKINS: Thank you.

12 Are there any representatives for the
13 licensee on the phone?

14 MS. BAUGHN: Yes, this is Susan Baughn.
15 I'm the manager of Nuclear Licensing for Omaha Public
16 Power District.

17 MS. WILKINS: Anyone else?

18 (No response.)

19 MS. WILKINS: Thank you.

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

22 MR. SAPORITO: Yes, my name is Thomas
23 Saporito. I'm the senior consultant with Saprodani
24 Associates based in Jupiter, Florida. And I'm the
25 Petitioner in this proceeding.

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1 MS. WILKINS: Thank you.

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

7 (No response.)

8 MS. WILKINS: Not hearing any, I'd like to
9 emphasize that we each need to speak clearly and
10 loudly to make sure that the court reporter can
11 accurately transcribe this meeting. If you do have
12 something that you would like to say, please first
13 state your name for the record.

14 For those dialing into the meeting, please
15 remember to mute your phones to minimize any
16 background noise or distractions. If you do not have
17 a mute button, this can be done by pressing the keys
18 star 6. To un-mute, press the star 6 keys again.

19 Thank you.

20 At this time, I'll turn it over to the PRB
21 Chairman Brian Holian.

22 MR. HOLIAN: Good. Thank you.

23 First thing I'd like to do is -- this is
24 Brian Holian -- I'd like to just check how we're
25 coming across on the phone, mainly court reporter, I

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1 guess, can you hear everything?

2 COURT REPORTER: Yes, I can hear
3 everything fine.

4 MR. HOLIAN: Good. We were just checking
5 to make sure you're still there, too. How about that?
6 Well, good, I'll assume if you can't on the phone,
7 just butt in any time during the presentation so we
8 make sure we get a good transcript of today's
9 discussion.

10 My job here is threefold really. It's
11 one, to give some background on the 2.206 process.
12 I'll introduce members of the Board that will be
13 reviewing this petition. And then give some summaries
14 that are here of the petition that's been submitted.
15 And then by the agenda, we'll turn it over to the
16 Petitioner for comments. And then we'll close.

17 Background on the process, Section 2.206
18 of Title 10 of the Code of Federal Regulations
19 describes the petition process. It is the primary
20 mechanism for the public to request enforcement action
21 by the NRC in a public process.

22 This process permits anyone to petition
23 NRC to take enforcement-type action related to NRC
24 licensees or licensed activities. Depending on the
25 results of its evaluation, NRC could modify, suspend,

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1 or revoke an NRC-issued license or take other
2 appropriate enforcement action to resolve a problem.

3 The NRC staff guidance for the disposition
4 of 2.206 petition is in our Management Directive 8.11,
5 which is publicly available.

6 The purpose of today's meeting is to give
7 the Petitioner an opportunity to provide any
8 additional explanation or support for the petitions
9 before the Petition Review Board's initial
10 consideration and recommendation.

11 Some reminders here, the meeting is not a
12 hearing nor is it an opportunity for the Petitioner to
13 question or examine the PRB on the merits or the
14 issues presented in the petition request. No
15 decisions regarding the merits of these petitions will
16 be made at this meeting.

17 Following this meeting, the Petition
18 Review Board will conduct its internal deliberations.
19 The outcome of the internal meeting will be discussed
20 with the Petitioner.

21 The Petition Review Board typically
22 consists of a Chairman, which is myself, a manager of
23 usually the SES at the NRC as a petition manager and
24 a PRB coordinator. Other members of the Board are
25 determined by NRC staff based on the content of the

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1 information in the petition request.

2 At this time, I just highlight some of the
3 -- or the members of the Board here. I am Brian
4 Holian, the Petition Review Board Chairman. Lynnea
5 Wilkins the petition manager who introduced this call
6 here for the petition under discussion today. Tanya
7 Mensah is the Office's PRB coordinator.

8 Our technical staff includes -- you've
9 heard a few of these people introduce themselves if
10 not all of them. Here I'm checking myself. Ed Smith,
11 from the Office of Nuclear Reactor Regulation,
12 Balance-of-Plant Branch, Vijay Goel, from the Office
13 of Nuclear Reactor Regulation, Electrical Engineering
14 Branch, Dan Hoang -- Dan, you're from --

15 MR. HOANG: NRR, Division of Engineering.

16 MR. HOLIAN: -- it's Division of
17 Engineering. And what branch there?

18 MR. HOANG: EMCB, Mechanical --

19 MR. HOLIAN: Okay, Mechanical and Civil
20 Engineering Branch. That's what I had. I was just
21 checking. And Juan, Juan Uribe from the Office of
22 NRR, Mechanical and Civil Engineering Branch also.
23 And Mark Haire, on the phone, you heard him come in
24 from NRC Region IV, Division of Reactor Safety, the
25 Branch Chief from the Operator Licensing Branch.

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1 That's it for the Board.

2 As described in our process, the NRC staff
3 may ask clarifying questions in order to better
4 understand the Petitioner's presentation and to reach
5 a reasoned decision whether to accept or reject a
6 Petitioner's request for review under 2.206.

7 Now I'd like to summarize the scope of the
8 petition under consideration and NRC activities to
9 date.

10 On June 26th, 2011, Mr. Saporito submitted
11 to the NRC a petition under 2.206 regarding his
12 concerns with the adequacy of the current flood
13 protection measures and station blackout procedures
14 used at Fort Calhoun Station, Unit 1, to address a
15 loss of off-site power resulting from a natural
16 disaster such as flooding or terrorist attack.

17 On July 3rd, 2011, Mr. Saporito submitted
18 a similar petition under 2.206 to the NRC regarding
19 his concerns with the adequacy of the current flood
20 protection measures and station blackout procedures
21 used at the Cooper Nuclear Station to address a loss
22 of off-site power resulting from a natural disaster
23 such as flooding or terrorist attack.

24 In these petition request, Mr. Saporito
25 identified the following areas of concern. In the

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1 petition regarding Fort Calhoun, Unit 1, Mr. Saporito
2 requests that the NRC one, take escalated enforcement
3 action against the above-mentioned licensee and
4 suspend or revoke the NRC license granted to the
5 licensees for operation of the Fort Calhoun Station in
6 the United States;

7 Number two, issue a notice of violation
8 with a proposed civil penalty against the collectively
9 named and each singularly named licensee in this
10 matter in the total amount of 500,000 dollars;

11 Number three, issue a confirmatory order
12 to the licensee prohibiting the licensee from
13 restarting any nuclear reactor at Fort Calhoun station
14 until such time as: one, the flood waters subside to
15 an appreciable lower level or sea level, and two, the
16 licensee upgrades its flood protection plan, and
17 three, the licensee repairs and enhances its current
18 flood protection berms, and four, the licensee
19 upgrades its station blackout procedures to meet a
20 challenging, extended loss of off-site power due to
21 flood waters and other natural disasters or terrorist
22 attacks.

23 As the basis for this requests, Mr.
24 Saporito states, in short, that on June 26th, 2011, a
25 2,000-foot berm constructed at Fort Calhoun collapsed

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1 from the forces of flood waters surrounding the plant
2 resulting in the use of on-site diesel generators.
3 The Petitioner also states that flood water surrounded
4 the plant's auxiliary and containment buildings.

5 The Petitioner is concerned that the flood
6 protection measures and station blackout procedures at
7 Fort Calhoun Station are not sufficient to adequately
8 protect the reactor from a full meltdown scenario and
9 extended loss of off-site power resulting from a
10 natural disaster or terrorist attack.

11 In the petition regarding the Cooper
12 Nuclear Station, Mr. Saporito requests that the NRC
13 one, take escalated enforcement action against the
14 above-mentioned licensees and suspend or revoke the
15 NRC license granted to the licensees for the operation
16 of Cooper Nuclear Station in the United States;

17
18 Number two, issue a notice of violation with a
19 proposed civil penalty against the collectively named
20 and each singularly named licensee in this matter in
21 the total amount of 500,000 dollars;

22 Number three, issue a confirmatory order
23 to the licensee prohibiting the licensee from
24 restarting any nuclear reactor at Fort Calhoun station
25 until such time as: one, the flood waters subside to

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1 an appreciable lower level or sea level, and 2, the
2 licensee upgrades its flood protection plan, and 3,
3 the licensee repairs and enhances its current flood
4 protection berms, and four, the licensee upgrades its
5 station blackout procedures to meet a challenging,
6 extended loss of off-site power due to flood waters
7 and other natural disasters or terrorist attacks.

8 Number two, to issue a notice of violation
9 with a proposed civil penalty against the collectively
10 named and each singularly named licensee in this
11 matter in the total amount of 1,000,000 dollars;

12 Number three, issue a confirmatory order
13 to the licensee requiring the licensee to bring the
14 Cooper Nuclear Station to a cold shutdown mode of
15 operation until such time as one, the flood waters
16 subside to an appreciable lower level or sea level,
17 and two, the licensee upgrades its flood protection
18 plan, and three, the licensee repairs and enhances its
19 current flood protection berms, and four, the licensee
20 upgrades its station blackout procedures to meet a
21 challenging, extended loss of off-site power due to
22 flood waters and other natural disasters or terrorist
23 attacks.

24 As the basis for this request, Mr.
25 Saporito states, in short, that on June 19th, 2011,

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1 the Cooper Nuclear Station notified the NRC of an
2 unusual event related to flooding of the Missouri
3 River. The licensee continued to operate the reactor
4 at 100 percent power and communicated to the NRC that
5 it expected the Missouri River to remain above an
6 elevation of 899 foot for most of the summer of 2011.

7 The Petitioner also states that the
8 licensee failed to notify the NRC of the unusual event
9 within one hour of the declaration of the event.

10 The Petitioner is concerned that the flood
11 protection measures and station blackout procedures at
12 the Cooper Nuclear Station are not sufficient to
13 adequately protect the reactor from a full meltdown
14 scenario and extended loss of off-site power resulting
15 from a natural disaster or terrorist attack. The
16 Petitioner is also concerned that the licensee
17 continues to jeopardize the public health and safety
18 by failing to bring the Cooper Nuclear Station to cold
19 shutdown.

20 I'll now touch on NRC activities to date.
21 On July 7th and 12th, 2011, the petition manager
22 contacted you, Mr. Saporito, to discuss the 2.206
23 process and to offer you an opportunity to address the
24 PRB by phone or in person. You requested to address
25 the PRB by phone, which is the purpose of today's

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1 call, prior to the Board's internal meeting to make
2 initial recommendations to accept or reject the
3 petition for review.

4 As a reminder for everyone, again, as
5 Lynnea said, please identify yourself if you make any
6 remarks as this will help us and really the court
7 reporter in the preparation of the meeting transcript.
8 We'll help police everybody to do that.

9 Mr. Saporito, I'll turn it over to you to
10 allow you now to provide any information you believe
11 that the Petition Review Board should consider as part
12 of these petitions. Mr. Saporito?

13 MR. SAPORITO: All right. Thank you.
14 Yes, sir, can you hear me?

15 MR. HOLIAN: Yes, great, you're coming
16 through great.

17 MR. SAPORITO: All right. Thank you.
18 Thank you, Mr. Chairman.

19 Before I begin, this is a public meeting
20 and, therefore, at the conclusion of my presentation
21 to the United States Nuclear Regulatory Commission,
22 any member of the public or media who may be attending
23 this meeting by phone will have an opportunity to ask
24 questions of the NRC directly or questions of me for
25 a response regarding either of these two petitions.

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1 Before I get into the gist of the
2 petitions and because this is a public meeting where
3 we are creating a transcript, which will be provided -
4 - which the public will be provided access to through
5 the NRC document reserve called ADAMS.

6 Let me give you an outline of a concern I
7 have with the Nuclear Regulatory Commission's
8 performance overall and specifically with these two
9 plants. First of all, everyone here at this meeting,
10 who may be attending this meeting by telephone, is
11 fully aware that in March of 2011, this year,
12 Fukushima Nuclear Facility, which is located in the
13 country of Japan, sustained significant damage to four
14 to six nuclear reactors, three of them are currently
15 melting down as the result of an earthquake which
16 spawned a tsunami, a huge wave which took out the
17 emergency power to cool the reactor.

18 And those three nuclear reactors continue
19 to meltdown to this day and they have not been brought
20 to a cold shutdown. They remain out of control. They
21 continue to spew high level radioactive cesium,
22 cobalt, and iodine -- radioactive iodine throughout
23 the country of Japan to this date.

24 Following that event, we have this event
25 in June of 2011 where we had flood waters surround two

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1 nuclear plants, the Fort Calhoun Nuclear Plant and the
2 Cooper Nuclear Plant. And the NRC, who is the
3 regulator for some 104 nuclear power plants in the
4 United States, did not take any aggressive action to
5 secure public health and safety in these
6 circumstances. The NRC did not issue a confirmatory
7 order requiring the Cooper Nuclear Plant to bring its
8 nuclear units to cold shutdown. The Fort Calhoun
9 Nuclear Plant in question was already in shutdown
10 because they were doing a refueling cycle where a
11 portion of the reactor's nuclear fuel is replenished.

12 At the time of the flooding event in June,
13 the NRC Chairman, Gregory Jaczko, J-A-C-Z-K-O, he's
14 the Chairman of a five panel Commission. The five
15 commissioners head up the United States Nuclear
16 Regulatory Commission and have authority over four
17 regions, which have jurisdiction over all the -- which
18 have jurisdiction over so many nuclear plants within
19 their jurisdiction of the four regions.

20 In any event, the Chairman Jaczko took a
21 helicopter ride at the public's expense to look at the
22 flood waters from above. Now mind you the media had
23 fully covered this event for days on end, numerous
24 helicopter rides, you know tons of footage available
25 to see these flood waters but the NRC Chairman chose

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1 to take a helicopter ride at the public's expense so
2 he could see for himself.

3 He did no physical inspection of the
4 plants after his helicopter ride or before his
5 helicopter ride. But, you know, he made assurances to
6 the governor that all was safe. And the public read
7 in the newspaper that the governor said well, you
8 know, the NRC, the head of the NRC said it's safe so
9 if he says it is safe, then it is safe.

10 So you can see the problem there with
11 these false assurances being given to the public by
12 the chairman of the NRC who simply took a helicopter
13 ride, did no physical hands-on inspection of any
14 nuclear facility at that time.

15 Consequently, the Chairman of the NRC,
16 Gregory Jaczko, was subsequently the subject of an
17 investigation by the NRC Inspector General's Office,
18 which was summoned at the request of several members
19 of Congress, because of his conduct in several areas -
20 - and I'm not going to get into those areas -- but
21 anyway the gist of the report was there was wrongdoing
22 on the part of the Chairman of the NRC. And his
23 behavior was -- it was questioned and he created a
24 hostile work environment for his fellow panel members
25 on the Commission because of his conduct where he

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1 appointed emergency situations so that he had
2 authority over them where they couldn't question his
3 actions.

4 And then around this time, the Associated
5 Press had concluded a year investigative report on the
6 U.S. Nuclear Regulatory Commission and found that the
7 Agency was complacent in its oversight of the some 104
8 nuclear power plants in the United States, so much so
9 that they were bending and modifying safety
10 regulations so that these nuclear power plants, which
11 were licensed for 40 years of operation could operate
12 another 20 years beyond the original safety design
13 basis, notwithstanding the fact that the nuclear
14 reactor core sits inside of a metal vessel, which
15 becomes brittle after 40 years of being bombarded by
16 neutron -- high level neutron radiation.

17 And if that reactor vessel cracks, the
18 games over. You are going to melt down. Nothing on
19 this planet will prevent a loss of coolant accident of
20 that magnitude, yet the NRC, over the years, has
21 continued to rubberstamp 20-year license extensions
22 for these old, old nuclear power.

23 And there's legislation going through
24 Congress by Senator Ed Markey to try to put a
25 moratorium on the NRC's actions to stop rubber-

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1 stamping these plants, to stop new licensing of new
2 plants until the event that happened in Japan can be
3 fully analyzed and until the NRC can assure the public
4 that these nuclear reactors in the United States are
5 safe and that they have been modified and that they
6 have learned from the lessons of Fukushima.

7 But that's not the case here. What has
8 happened instead is the NRC has accelerated its use of
9 its rubber stamp in extending 20-year license
10 extensions to these old nuclear power plants because
11 they know Congress wants to put a stop to it.

12 And then we come to August of 2011 where
13 a 5.9 magnitude earthquake rocked the -- was centered
14 somewhere in Virginia, as I understand it, but had
15 ramifications that encompass many states and tripped
16 at least one nuclear facility off line automatically.
17 And that was quickly followed by Hurricane Irene,
18 which walked up the entire eastern seaboard of the
19 United States and fortunately it was far enough away
20 from the coast of Florida where we did not have any
21 significant damage here.

22 Nonetheless, during these two major
23 events, the earthquake and the hurricane, the NRC
24 didn't issue any confirmatory orders requiring any
25 nuclear power plant to bring their nuclear reactors to

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1 cold shutdown. They sent extra inspectors here,
2 there, and everywhere but that's not going to protect
3 public health and safety if there is a nuclear
4 accident because of one of these natural disasters.

5 And the earthquake is particularly
6 troublesome because it was a 5.9, which in the area
7 that it happened in the northeast United States,
8 that's very unusual. And that's a pretty severe
9 earthquake which hadn't occurred in approximately 60
10 years in that area.

11 And then the next day, they had an
12 aftershock, another earthquake of 4.2. And still the
13 NRC did nothing. No confirmatory orders to require
14 any nuclear plant to come to cold shutdown.

15 So this is the atmosphere that we're
16 talking about. We have a nuclear regulator here
17 that's asleep on the job in my opinion, who does not
18 take aggressive action, and has a sit-back-wait-and-
19 see-what-happens attitude. And, you know, I think it
20 is important for the public to understand just how
21 much or how little the regulator is doing to protect
22 your public health and safety.

23 With respect to these petitions, the
24 petition filed against the Fort Calhoun Nuclear Power
25 Plant, dated June 26, 2011, and the petition filed

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1 against the Cooper Nuclear Plant, dated July 3rd,
2 2011, the petition manager briefly touched on the
3 petition process. But I want to enhance that a little
4 bit for the public's benefit.

5 These enforcement petitions were filed in
6 connection with a Congressional mandate that the NRC
7 act to protect public health and safety in connection
8 with licensed activities at the some 104 nuclear
9 plants across the United States, where Congress
10 further intended that members of the public have a
11 legal recourse and opportunity to engage the Nuclear
12 Regulatory Commission and its licensees under Title 10
13 of the Code of Federal Regulations, Section 2.206, to
14 further protect public health and safety and the
15 environment from the adverse effects of a serious
16 nuclear accident similar to the three nuclear reactors
17 currently in a full meltdown in the country of Japan,
18 which continues to spew radioactive particles into the
19 air, water, and food chain, and has caused the
20 evacuation of thousands and thousands of people from
21 their homes and communities, never to return again.

22 In so empowering members of the public
23 under the 2.206 petition process, Congress clearly
24 sought to enhance the NRC's oversight and regulation
25 of all United States-based nuclear power plants.

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1 Now the July 19th, 2011, with respect to
2 the Fort Calhoun Nuclear Plant, the NRC cited the
3 nuclear plant -- and I'm not going to go into the
4 whole thing but during a scheduled test on June 14th,
5 2010, one of four electrical contacts failed in a
6 system used to trip or automatically shut down the
7 reactor. The condition appears to have existed for 63
8 days before it was discovered.

9 The NRC says the failure did not pose a
10 danger to public health and safety because other means
11 existed to perform that safety function, if necessary.
12 Well, excuse me, NRC but I do feel that the public
13 health and safety was endangered because the condition
14 existed for 63 days before it was discovered. What
15 was the NRC resident inspector doing for those 63
16 days? And why didn't he discover this before 63 days
17 were up?

18 This plant, Fort Calhoun Station Unit 1,
19 was licensed by the NRC August 9th, 1973 -- 1973,
20 that's a very, very old nuclear power plant. And here
21 we have a situation where we have a critical nuclear
22 safety system that is used and relied upon by the
23 plant operator to bring this nuclear reactor to a cold
24 shutdown quickly in the event of a nuclear emergency.
25 And they would not have -- it wasn't discovered for 63

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1 days. Amazing.

2 With respect to the Cooper Nuclear Plant,
3 June 14th, 2011, NRC inspectors said some of the
4 station's procedures for manually operating valves,
5 which are part of systems for releasing coolants under
6 high pressure, wouldn't work in the event of a fire.
7 The independent emergency cooling system is one means
8 available to provide water to coolant reactor in the
9 case of an emergency.

10 The NRC cited the plant with an
11 enforcement action a white finding. Now for the
12 public's information, the NRC enforcement activities
13 are color coded, green, white, yellow, and red. Green
14 is the lesser of the evils. And red is a very serious
15 issue.

16 They gave them a white -- a white. You
17 know here we have a nuclear power plant, the Cooper
18 Nuclear Plant we're talking about, it was issued an
19 operating license by the NRC on January 18th, 1974 --
20 1974. And just now, you know, this is 2011, the NRC
21 finds that some of the station's procedures for
22 manually operating valves don't work. And they
23 wouldn't have worked had they needed to work in the
24 event of an emergency.

25 And this particular reactor, the Cooper

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1 Nuclear Station, is the General Electric Mark 1. Oh,
2 my goodness, that's the same reactor that's melting
3 down over there in the country of Japan. There are
4 three of them. They're melting down right now.

5 And they had problems manually opening
6 their valves because they wanted to release the
7 hydrogen that was building up in the containment
8 buildings because those plants were melting down. The
9 water was boiling away and the hydrogen and oxygen
10 were separating. The containment filled up with
11 hydrogen. They couldn't open those valves. And the
12 containments blew up on all three of their nuclear
13 reactors. And that's why the radiation is leaking
14 over there.

15 And here we have a similar situation here
16 in the United States. And it has been going on since
17 1974 because they just found out now that these
18 procedures don't work. My goodness -- I don't know.

19 In any event, let's look at these
20 petitions now. And as I discuss these petitions, the
21 record will show two different scenarios -- two
22 different scenarios with respect to two NRC licensees
23 and their actions with respect to protecting public
24 health and safety or not protecting public health and
25 safety.

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1 The Cooper Nuclear Plant -- and I'm not
2 going to go through the whole petition because the
3 Chairman did a fine job of talking about the gist of
4 the petition -- but the enforcement action requested,
5 again, here deals with having the NRC do something
6 instead of just wait for something to happen and then
7 do something.

8 These enforcement actions I talk about,
9 the Fort Calhoun and the Cooper Plant where the NRC
10 did something, it was done after the fact. They have
11 resident inspectors on those sites but they didn't,
12 you know, to prevent these events from happening. But
13 after the problems existed for quite some time, then
14 the NRC does something. And even then what they did
15 is not sufficient in my point of view.

16 In any event, with respect to the Cooper
17 Nuclear Plant, let the record show that I am citing to
18 a June 22nd, 2011 news article from the Valley News
19 Today, Shenandoah, Iowa is where they are located, and
20 they talk in here -- the gist of this is they're
21 talking about the Cooper Nuclear Station and the flood
22 waters. And it says here the southeast Nebraska
23 Nuclear Station came within about 18 inches of
24 shutting down early Monday when the Missouri River
25 level at the plant rose to 43.8 feet. The Missouri

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1 River must reach 45.5 feet, or 902 feet above sea
2 level before officials will shut down the plant.

3 And representative -- this fellow Mark
4 Becker, a representative of the Nebraska Power
5 District, he was quoted as saying we're operating at
6 full capacity. What we're seeing is the river
7 leveling itself off. But we continue to watch and add
8 protection around the plant.

9 And then July 12th, 2011, a news article
10 by the Lincoln Journal Star says that the Cooper
11 Nuclear Station is no longer at emergency status. At
12 9:47 a.m. Tuesday, the plant exited that emergency
13 status because the river levels near Cooper had
14 dropped to 895.8 feet above sea level, which is more
15 than three feet below the average sea level at which
16 Cooper is required to enter the emergency
17 classification status. And that was quoted from a
18 news release from the licensee.

19 So here you have a very serious situation
20 where we have a nuclear power plant operating at 100
21 percent while it is completely surrounded by flood
22 waters from a swelling river. And they are within 18
23 inches of being required to shut the plant down --
24 being required. I mean let's use a little common
25 sense here -- 18 inches. Why would you operate a

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1 nuclear power plant if you are within 18 inches of
2 having to be required to shut it down. I mean it
3 makes no sense at all.

4 What would happen if the dam, which the
5 Army Corps of Engineers was bleeding water off because
6 it was swelling from the rain waters and residual
7 coming into that dam -- that's the reason this river
8 was flooding in the first place, what if that dam
9 would have broke? Who would care about 18 inches?
10 You would have a massive, massive influx of water from
11 that dam.

12 And that dam, if there's any levis and
13 whatever between that dam and this Cooper Nuclear
14 Plant, that would have been blown away by the force of
15 that water. I mean everyone on this Petition Review
16 Board panel here today is fully aware, I'm sure, of
17 the force of the water in Fukushima. It just picked
18 up tractor trailers, houses, bridges like they were
19 toys. And threw them thousands of feet away from
20 where they were lifted. The force of water is
21 tremendous.

22 And you would have a tremendous flow of
23 water stemming from that dam through all those levis
24 which have been busted one after another. It would
25 have completely overtaken any of those so-called flood

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1 protections that the licensee at the Cooper Nuclear
2 Plant maintains.

3 That's a very, very serious situation.
4 Here you have an attitude -- that's right it is an
5 attitude by the licensee of the NRC where they are
6 going to run that nuclear plant until they are forced
7 to shut it down by regulations, which say they have
8 another 18 inches -- okay, they have another 18 inches
9 so we're going to run at 100 percent power.

10 That's totally ludicrous given the events
11 of Fukushima and the situation that unfolded there and
12 the fact that the NRC has a task force that was
13 assembled at the direction of the Commission to
14 inspect all the United States-based, some 104 nuclear
15 power plants and to make recommendations to the
16 Commission based on and relevant to the accident that
17 is continuing over there in Japan.

18 And they did that. The task force went
19 out there and made all these recommendations to the
20 Commission. And the Commission has yet to enforce or
21 implement any of those recommendations. I mean all
22 these debates and rhetoric and arguing inside the
23 Commission and nothing is getting done.

24 And here -- here we have a situation where
25 the licensee says I've got 18 more inches. And they

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1 know that the NRC isn't going to order them to shut it
2 down because I've been following the NRC since -- oh,
3 my gosh, it has to be going on 25 years now and I have
4 never known the NRC to order a nuclear power plant to
5 shut down. Not in my lifetime.

6 So, you know, the licensees of the NRC
7 know what the NRC will and will not do as far as
8 enforcement actions. So they're going to push it to
9 the limit because they want the money and the revenue
10 that they are generating from that nuclear power
11 plant. That's the reason that they're willing to put
12 public health and safety in grave jeopardy and let
13 that water rise 18 -- within 18 inches of a forced
14 shutdown. It is incredible.

15 And the government regulator, the Nuclear
16 Regulatory Commission, sits by and watches it. Region
17 IV administrator, Mr. Elmo, you know, maybe he should
18 retire. Maybe we need some fresh blood over there in
19 Region IV.

20 With respect to the June 26th, 2011
21 petition, the Fort Calhoun Nuclear Plant, a completely
22 different situation because number one, the reactor or
23 reactors were shut down because there was a refueling
24 going on. Now the question that comes to mind, of
25 course, is had the Fort Calhoun Power Plant been

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1 operating at 100 percent power, would the licensee
2 have voluntarily shut that nuclear power plant down
3 because of concern for public health and safety due to
4 the rising waters that surrounded the nuclear power
5 plant. And we may never know the answer to that
6 question.

7 But nonetheless, the nuclear power plant
8 was shut down and the licensee's actions since the
9 flood waters and during the flood water events, are --
10 serve to protect public health and safety. And they
11 should be commended for that.

12 In a June 26th, 2011 article published in
13 the World Herald, they talk about the Fort Calhoun
14 plant. They talk about a 2,000-foot berm that
15 collapsed on a Sunday due to on-site activities.
16 Apparently it was punctured by a vehicle somehow. And
17 this berm is filled with water. And if you puncture
18 it, the water comes out. And that's what happened.

19 It says according to the NRC, the berm was
20 eight feet tall and 17 feet wide at the base. It was
21 designed to provide protection for the plant's power
22 block for up to six feet of water. It goes on to say
23 on Sunday, the flood water surrounded the nuclear
24 plant's main electrical transformers and power was
25 transferred to emergency diesel generators.

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1 They say the OPPD officials, which is the
2 licensee here, said the transfer was precautionary
3 because of water leaking around the concrete berm
4 surrounding the main transformers. The article goes
5 on to say the Missouri River is at 1,006.3 feet. And
6 they say that the facility is designed to handle water
7 up to 1,014 feet.

8 And then on July 13th, 2011, KETV talks
9 about the Fort Calhoun plant. They talk about a new
10 eight-foot water-filled barrier installed to replace
11 that one that was punctured.

12 And then on July 27th, 2011, an article
13 published by the Nebraska affiliate, says here that --
14 oh, this was by Associated Press -- it says the
15 Nuclear Regulatory Commission met with Omaha Public
16 Power District officials to discuss what steps will be
17 needed before the plant can reopen. Utility officials
18 and regulators emphasized safety throughout the public
19 meeting.

20 And that the Chief Nuclear Officer, Dave
21 Bannister, for the licensee, he's quoted in this
22 article as saying regardless of the river level, we
23 will not restart the plant until it is safe to do so.

24 Now what a difference from that comment
25 from the other licensee for the Cooper Nuclear Plant

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1 where they said we got 18 more inches to go. Let's go
2 -- 100 percent - keep it running. And here they say
3 regardless of the river level -- regardless of the
4 river level, we will not restart the plant until it is
5 safe to do so.

6 It goes on to say utility officials say
7 they have no set timetable for restarting it because
8 they won't know what work is needed until after the
9 water level drops. The licensee is saying we're not
10 going to restart this plant on any set timetable. And
11 the reason is because we have to inspect it, you know,
12 there could be damage that we don't know about because
13 this water is so high.

14 Well, what about Cooper? Well, Cooper is
15 running at 100 percent power and that nuclear plant is
16 surrounded by the same water let alone that they've
17 got 18 more inches to go. But over here at Fort
18 Calhoun, they're quoted as saying -- well, Elmo
19 Collins, the fellow I talked about early, the NRC
20 Regional Administrator for the Nuclear Regulatory
21 Commission, he is quoted as saying is what we need to
22 do to verify the station is ready to return to power
23 is we'll do what we need to do to verify the station
24 is ready to return to power.

25 Well, that's great. You are going to

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1 verify with the licensee. But what about the Cooper
2 Nuclear Plant, Mr. Collins? You're letting them
3 operate at 100 percent power and they're flooded,
4 surrounded by water, just like Fort Calhoun. But
5 you're letting them run at 100 percent power. It
6 don't make any sense, Mr. Collins.

7 The article continues. It says the main
8 building at Fort Calhoun is 1,004 above sea level,
9 which is about two feet below Wednesday's river level
10 of 1,005 feet 9 inches. Last month, Nuclear
11 Regulatory Commission Chairman Gregory Jaczko visited
12 the Fort Calhoun and the state's other nuclear power
13 plant, run by the Nebraska Power District, of course
14 that's Cooper, Jaczko said both Fort Calhoun and
15 Cooper were safe. And that the utilities had taken
16 prudent steps to protect the public.

17 What a revelation from the Chairman of the
18 Nuclear Regulatory Commission. He visits which one
19 plant in which the licensee took responsible,
20 meaningful action, and made public statements to
21 reassure the public that they weren't going to restart
22 that nuclear power plant on any set timetable until
23 that water receded so they could inspect the facility
24 and make whatever repairs that were needed. And here
25 you have the same power plant, the Cooper over here,

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1 the Nuclear Regulatory Commission, through their own
2 chairman, it's just as safe. It's running at 100
3 percent power because they've got 18 more inches
4 before they've got to shut it down.

5 This is just ludicrous. This is not
6 protecting public health and public health and safety.
7 This is putting public health and safety at grave
8 risk, in grave jeopardy of a significant nuclear
9 accident, just like happened in Japan and continues to
10 happen in Japan. Perhaps we need a new NRC chairman.

11 Next, on July 28th, 2011, a World Herald
12 article talks about Fort Calhoun. And in the gist of
13 this it says much of the plant is surrounded by about
14 two feet of flood waters behind various barriers
15 ranging from an earthen berm to sandbag walls to a
16 temporary water-filled tube. Water has been kept out
17 of critical plant buildings, the NRC said, but both
18 regulators and the utility are concerned about damage
19 to underground pipes and cables as well as any damage
20 from current, debris, and unstable soil.

21 So here at the Fort Calhoun Nuclear Power
22 Plant, you have the licensee, the plant operator, the
23 people that have the license issued by the government,
24 the NRC, to operate this Fort Calhoun Nuclear Plant,
25 and the regulator, the NRC itself, in complete

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1 agreement that this plant has to be kept shut down.
2 There could be damage to underground pipes. There
3 could be damage to underground cables. As well as
4 damage from currents and damage from debris and
5 unstable soil. You got to keep it shut down to
6 protect public health and safety.

7 But wait a minute. What about the Cooper
8 Nuclear Plant over here. It's running at 100 percent
9 power. And it's got the same flood waters that could
10 do the same damage to critical buildings. It could
11 have damaged the underground pipes and cables. It
12 could do damage from currents. It could have damage
13 from debris. And it could have damage from unstable
14 soil.

15 But the NRC found it is safe. Run it at
16 100 percent power because you've got 18 more inches to
17 go. Amazing. Just incredible.

18 The article continues, and it's quoted --
19 the licensee is quoted in here as saying we're experts
20 in making power. We're not experts in flooding,
21 Bannister said. We're going to need extra help. We
22 know that. What a responsible, meaningful statement
23 and meaningful and responsible actions on the part of
24 a Nuclear Regulatory Commission licensee.

25 These people are to be commended. They

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1 realized the seriousness of operating a nuclear power
2 plant under these extreme weather conditions. And
3 they know the consequences of a nuclear accident.

4 So they're saying to this public through
5 this new article and to the NRC hey, we know how to
6 make the power but we don't know what the hell to do
7 about the flood because we're not experts in flooding.
8 But you know what, we're going to get help. We're
9 going to hire experts.

10 And we're going to take their advice. And
11 we're not going to start this power plant back up --
12 this nuclear reactor not going to become critical
13 until we fix and repair what needs to be fixed and
14 repaired. And we're going to listen to what the
15 contractor has to say because they're the experts on
16 flooding, not us. That's the responsible position.

17 But over at Cooper, run that baby 100
18 percent because, you know, we've got 18 more inches to
19 go. Amazing.

20 And then on August 23rd, 2011, by the
21 Journal Star, it was reported -- and then parts of
22 this, it says here, on Monday, the Missouri River at
23 Fort Calhoun was 1,005 feet elevation or one foot
24 above the threshold at which it must be shut down --
25 at which it is shut down.

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1 Earlier this month, OPPD, who is the
2 licensee, submitted 1,013-page plan to restart the
3 plant to the U.S. Nuclear Regulatory Commission. The
4 utility is also hiring a consultant to help with
5 inspections and damage assessments.

6 The licensee is quoted here as saying we
7 told the NRC we would bring in a third party to help,
8 Jones said, we are in the business of running plant.
9 We do not necessary know what to do after a flood.
10 OPPD will not set a timeline for restarting until it
11 can assure the NRC and the public it can be done
12 safely he said. We hope we can do it by the end of
13 the year, Jones said.

14 Now that is a responsible Nuclear
15 Regulatory Commission licensee. This attitude and
16 this conduct and these measures taken by this licensee
17 to protect public health and safety with respect to
18 this commercial nuclear reactor should be the actions
19 and conduct of the regulator, the NRC. It should be
20 the actions and the conduct for the licensee also but
21 these are the types of actions the public needs to
22 have the government do to protect their public health
23 and safety.

24 The NRC should be issuing confirmatory
25 orders requiring these types of actions because over

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1 here at the Cooper Nuclear Plant, I've got 18 more
2 inches before they have to shut the nuclear reactor
3 down. And the NRC is just going to sit there and keep
4 taking measurements until they get the 18 inches.
5 Then maybe the NRC will encourage them to shut it down
6 because we know the NRC is not going to issue the
7 confirmatory order, okay?

8 So here, again, the disparity between the
9 two licensees -- one risks public health and safety
10 and the other serves to protect public health and
11 safety.

12 Now that's the basic outline and the
13 issues central to the petition. However, this review
14 Board is here to entertain additional statements. And
15 let's just clarify the record at this point with
16 respect to the petition, all statements made today by
17 myself as a representative of Saprovani Associates,
18 are to be considered a supplement to the original
19 petition for the Cooper Nuclear Power Plant, which is
20 dated July 3rd, 2011, and the petition filed with
21 respect to the Fort Calhoun Power Plant, dated June
22 26, 2011, all say misrepresentations made here on this
23 public record are to be considered a supplement to
24 these petitions.

25 And are required under NRC Management

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1 Director 8.11 to be considered by this Petition Review
2 Board just as if these matters and issues raised today
3 have been put in writing on the original dates in
4 these petitions. Just so we're clear on that point.

5 Now with respect to the Fort Calhoun Plant
6 -- excuse me, the Fort Calhoun Nuclear Power Plant,
7 again, before I get into these other substantive
8 issues, again on this public record, commend the
9 actions of the licensee in protecting public health
10 and safety by keeping that nuclear power plant in the
11 cold shutdown mode of operation, by hiring a
12 consultant to help assess the flood damage, if any,
13 caused by the natural events of the swelling of the
14 Missouri River.

15 But having said that, there are other
16 issues here. And first of all, for the public's
17 information and understanding and very -- this is just
18 a very simple explanation because it is very -- you
19 know, a nuclear power plant is a very complex piece of
20 equipment, but just for the public's awareness and
21 understanding, let me say that when the Nuclear
22 Regulatory Commission or a licensee of the Nuclear
23 Regulatory Commission reports that a nuclear power
24 plant has been brought to a cold shutdown mode, you
25 know, the public automatically thinks oh, everything

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1 is safe because the nuclear power plant, you know, the
2 government told us it is in a cold shutdown mode of
3 operation.

4 Just like when the Hurricane Irene came up
5 the eastern seaboard, the North Anna Nuclear Power
6 Plants, they automatically tripped off line. And it
7 was reported well, these nuclear power plants, it was
8 in a cold shutdown mode of operation. It was, you
9 know, yes, I forget the exact verbiage the NRC used to
10 the reporters but they said oh, it automatically
11 tripped like it was supposed to. It was a safety
12 function in a cold shutdown mode of operation. You
13 know public health and safety is protected, blah,
14 blah, blah.

15 But, in fact, what happens is this. When
16 a nuclear power plant is operating like the Cooper
17 Nuclear Plant, under full power, you have control rods
18 inside -- you have a metal vessel which has nuclear
19 fuel in it. And inside between these fuel assemblies
20 or these poison rods, they absorb neutrons. I mean
21 when you have a nuclear fission process, neutrons are
22 split. And the heat generated from billions and
23 billions of these neutrons spitting or these atom
24 splitting cross the wire to heat.

25 And it goes to a turbine and creates a

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1 theme and make electricity by turning a generator.
2 Okay, well when we pull these control rods out, the
3 reactor fission process starts. Okay so the reactor
4 is very dangerous at that point. It is a continuing
5 chain reaction of nuclear events happening within that
6 metal vessel, like a pressure cooker if you will.

7 When a reactor trips offline for whatever
8 reason, these controls, they automatically drop them
9 inside these fuel rod assemblies and it causes the
10 nuclear fission process to stop. And that -- when
11 that process stops, they call that well, their reactor
12 is a cold shutdown mode of operation now.

13 Okay, well when a reactor is operating
14 under power, a tremendous amount of heat is built up.
15 And some of that heat -- the majority of that heat is
16 released through the steam that's created in that
17 process, which goes to the turbine generators to make
18 electricity and then part of that steam is condensed
19 and reused. And some of that -- the other part of
20 that heat is discharged to the environment.

21 Now that continues on and on. So what you
22 have to do is you have to keep water flowing, you know
23 hundreds of thousands of gallons a minute through that
24 reactor vessel so that that nuclear fuel doesn't heat
25 up and melt like what happened in Japan. They lost

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1 cooling, the fuel melted all the way through the
2 vessel, all the way through the containment building,
3 into the environment.

4 So that's the process what's offering.
5 When it goes into cold shutdown, the poison control
6 rods, they come down, they stop the fission process.
7 But there is decay heat. That reactor fuel is really,
8 really screaming hot. And you have to remove that
9 decay heat. If you didn't, the reactors would melt
10 down.

11 That's what happened in Japan. They had
12 the earthquake. They had a big tsunami, a big wave.
13 And it inundated the emergency diesel generators. So
14 they lost off-site power. It's the power that cooling
15 the water pumps the cools the reactor. And then the
16 diesel generators couldn't start. So those cooling
17 pumps couldn't provide cooling water to the reactors.
18 So the fuel heated up and it melted down.

19 And that's what would happen at the Fort
20 Calhoun Nuclear Plant or the Cooper Nuclear Plant if
21 that dam would break that holds back all those tons
22 and tons of gallons of water. But here at Fort
23 Calhoun you have the situation where it is in cold
24 shutdown, which means that if the rods, the control
25 rods are dropped into the reactor, there is no nuclear

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1 fission taking place but you still have to have these
2 water pumps pump this cooling water through the
3 reactor core to remove the residual heat.

4 And you have to do that for a long, long
5 time. Even when the licensee, like they're doing at
6 Fort Calhoun, they have to shut it down, open the lid,
7 take out approximately one-third of the nuclear fuel
8 and replace it with new fuel. And then that old fuel,
9 which is called spent nuclear fuel, is put in a
10 nuclear fuel pool in water. And that water is
11 circulated with boron and other stuff to keep that
12 those fuel rods from become critical, having their own
13 nuclear reaction over there.

14 And that fuel has to be kept at least five
15 years. It has to be kept cool in the spent fuel pool
16 for at least five years before it can be taken out and
17 put into what's called a dry cask storage for long-
18 term storage for tens of hundreds of thousands of
19 years. We won't be here to worry about that.

20 But this fuel inside the Fort Calhoun
21 Nuclear Plant right now that's in cold shutdown, it
22 has to have water circulating through it to remove
23 this residual heat, which is approximately five
24 percent -- now I'm not a nuclear physicist but it is
25 approximately five percent heat that has to be

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1 continually removed while it is in cold shutdown.

2 So it's serious because if you lose the
3 ability to cool -- to remove that heat, and then the
4 unit is going to melt down. Even though it is cold
5 shutdown, the public, you need to understand that the
6 nuclear power plant, the fuel is going to melt down if
7 you lose cooling.

8 So that's why, even though it is shut
9 down, which is the right mode of operation, you know
10 it's the responsible mode of operation by the licensee
11 for the Fort Calhoun, you still have an issue because
12 if that dam breaks the tremendous -- you know,
13 probably millions of gallons is going to come at the
14 nuclear power plant, it is most likely going to take
15 out your off-site power.

16 It's going to take out the switchyard.
17 And most likely inundate those emergency diesel
18 generators. And you're going to melt down. The fuel
19 is going to lose cooling and you are going to melt
20 down. And, you know, how do you -- how would you not
21 melt down? And how would you keep the emergency
22 diesel generators functioning in such a scenario, you
23 know? And diesel generators means diesel fuel is what
24 makes the diesel generators operate. So how would you
25 even get replenishment fuel for the diesel generators

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1 when the whole plant is surrounded by water, you know?
2 There are a lot of issues that are involved in this
3 type of emergency situation.

4 There was a -- I believe in June, one of
5 the emergency diesel generators failed. Well, no,
6 excuse me, that was the aqua dam. I'm sorry. But the
7 concern there was that the switchyard would be taken
8 out. Well, here again, we talk about -- I talked
9 about the residual heat that has to be removed. You
10 have off-site power that comes into the nuclear power
11 plant. And if you lose the off-site power, then your
12 cooling water pumps won't be able to pump water
13 through the reactor core to remove the residual heat
14 in the case of the Fort Calhoun Nuclear Plant.

15 And so therefore you have to depend on the
16 emergency diesel generators to automatically start and
17 pick up that load to keep power to those cooling water
18 pumps so that the residual heat can be removed from
19 the Fort Calhoun nuclear fuel in that reactor. And
20 the concern here is can those diesel generators be
21 operated for an extended period of time.

22 When I say extended period of time, I'm
23 talking at least 30 days or more. Because if that dam
24 breaks, you know, the NRC has never experienced that
25 nor has the licensee experienced that type of

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1 emergency situation. So the NRC should be of a mind-
2 set by now after witnessing and continuing the
3 witnessing the nuclear accident in Japan, the NRC
4 hopefully would be of a mind-set to think outside the
5 box just a little and to entertain emergency nuclear
6 accident scenarios that the Agency has never before
7 fully evaluated and anticipated.

8 And here is such a scenario. What if the
9 dam breaks? How much water is going to come at that
10 nuclear plant? Are the emergency diesel generators
11 going to be able to carry the load for an extended
12 period of time of at least 30 days or more because
13 you're going to lose off-site power because you're
14 going to lose that switchyard? And how is the
15 licensee going to be able to provide fuel for the
16 emergency diesel generators for 30 days or more?

17 If the licensee loses the emergency diesel
18 generators, you know, you're down to battery backup
19 power. And that's approximately four hours, maybe
20 eight in the best case scenario. But I think that
21 plant has four hours' worth of battery backup power.
22 And then it's over. You're melting down. You're
23 melting down in a nuclear accident scenario. It's too
24 late then.

25 So what I'm trying to point the NRC at

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1 here at this meeting is the flood protection is
2 inadequate because it doesn't foresee or anticipate a
3 breaking of that dam or, for that matter, any of the
4 levis, barriers or levis, whatever they're called
5 between the dam and that nuclear plant that hold back
6 water. Because if one of those breaks, you're going
7 to have a tremendous amount of water slamming into the
8 next one. And that's going to be multiplied when that
9 one breaks. And that's going to keep cascading all
10 the way through this nuclear plant.

11 You may not even need the dam itself to
12 collapse. You could have a subsequent failure of any
13 one of these water barriers between the plant and the
14 dam, which would swell the river to a sufficient level
15 to inundate that plant to a degree where you could not
16 remove the residual heat from the Fort Calhoun Nuclear
17 Plant. And it would result in a nuclear fuel core
18 meltdown. And that's what everyone wants to avoid.

19 So the flood protection and the procedures
20 at the Fort Calhoun Nuclear Plant are not sufficient
21 in my view to handle a nuclear accident scenario where
22 either the dam breaks or one or more of the subsequent
23 water barriers between the dam and the Fort Calhoun
24 Nuclear Plant are breached. And you have a tremendous
25 in-rush of water.

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1 So, you know, the NRC -- I'm requesting
2 that the NRC take measures and actions to cause an
3 evaluation of those accident scenarios, to get
4 professional engineers involve to anticipate the
5 amount of water that would be headed towards the
6 nuclear facilities, both Fort Calhoun and Cooper
7 because it's the same river. And the same analysis
8 for any and all barriers -- water barriers between the
9 dam and these nuclear power plants.

10 How much water would be released? How
11 much damage? Would it take out the switchyard? Would
12 it take out the switchyard and the emergency diesel
13 generators? Would it prevent the diesel generators
14 being refueled the licensee even if they weren't
15 completely inundated and not operational? These are
16 all issues that serve to protect the public health and
17 safety by removing the decayed heat from the Fort
18 Calhoun Nuclear Plant.

19 And with respect to the Cooper Nuclear
20 Plant, the NRC has some serious internal issues and
21 policy issues and compliance to safety regulations and
22 compliance to Congressional mandates to protect public
23 health and safety where the NRC has allowed the Cooper
24 Nuclear Plant to operate under such dire circumstances
25 where that licensee's flood protection plans and

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1 procedures and policies are just as bad as those at
2 Fort Calhoun. And where that nuclear power plant
3 could have sustained significant damage from the water
4 that surrounds that nuclear power plant on the
5 underground cables, wiring, et cetera.

6 And so the NRC's -- this public record,
7 I'm going to request that a copy of this public record
8 transcript be provided to the NRC's Office of the
9 Inspector General because that's the correct agency to
10 investigate the NRC's staff and this Petition Review
11 Board's actions with respect to why the Cooper Nuclear
12 Plant was allowed to continue to operate in these dire
13 circumstances in contrast to the actions that were
14 brought by the licensee for the Fort Calhoun Nuclear
15 Plant where public health and safety was protected.

16 It seems to me that the NRC did not act
17 correctly to protect public health and safety with
18 respect to the Cooper Nuclear Plant. And I think the
19 NRC Office of the Inspector General needs to focus an
20 investigation on how the NRC functions to meet its
21 objectives in protecting public health and safety
22 where it obviously failed with respect to the Cooper
23 Nuclear Plant.

24 I mean you can't protect public health and
25 safety if you allow the licensee, the Cooper Nuclear

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1 Plant to continue operating the plant where you have
2 the same dire circumstances as you have at Fort
3 Calhoun where the NRC takes the position, you know,
4 that you can have all this damage to underground power
5 cables and debris and systems, et cetera, and you
6 really don't know until the water recedes and you can
7 have a professional entity investigate and inspect and
8 validate and confirm and do post-maintenance and
9 operational testing.

10 So here you have the same region, Region
11 IV, and the same administrator and staff overseeing
12 two different nuclear plants, which are subject to the
13 same harsh environmental threats to public health and
14 safety. And the NRC takes two different courses of
15 action.

16 So in an effort -- as a public citizen,
17 all I can do is invoke whatever authority Congress has
18 given me through 2.206 and through the NRC Office of
19 the Inspector General to hold the NRC accountable in
20 its oversight of these nuclear power plants in these
21 circumstances.

22 Fort Calhoun Nuclear Plant, to my
23 understanding, has two off-site power lines, two
24 emergency diesel generators for power, emergency power
25 in the event that you lose the two off-site power

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1 lines or sources. And then you go to batteries of
2 last resort. And it is my understanding that they
3 currently operate for four hours.

4 So even though Fort Calhoun is in a cold -
5 - a so-called cold shutdown mode of operation, as I
6 explained earlier, you have to remove the residual
7 heat or you are going to have a meltdown scenario.
8 The nuclear fuel will melt and you'll have a serious
9 situation like you have over there in Japan right now.

10 And the extent of the flooding is extreme.
11 And even though the emergency diesel generators were
12 functional and operative, I would like the NRC to look
13 into and evaluate how the licensee intended to refuel
14 those emergency diesel generators had the licensee
15 been required to rely on their operation for an
16 extended period of time. Let's talk at least 30 days.

17 And how were they going to refuel them?
18 Were they going to float a barge in there? Were they
19 going to airlift some fuel by helicopter? Or were
20 they going to have a Navy SEAL team try to get fuel
21 over there? How were they going to do it? I mean I'd
22 like to have an answer to that.

23 The Fort Calhoun Plant, the intake
24 structure, it serves to cool the nuclear reactor and
25 the spent fuel. And there were cracks -- it is my

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1 understanding there were cracks found in that intake
2 structure. And so therefore, you know, you have all
3 this water surrounding the plant and, you know, the
4 intake structure provides, you know, service water
5 pumps. They could fail and you could have core damage
6 if the service water pumps fail through the intake
7 structure's operation.

8 And so it is vulnerable. The nuclear
9 reactor at Fort Calhoun is vulnerable to a nuclear
10 accident, a meltdown if you lose the intake structure.
11 And if that building has cracks in it, then that's
12 something the NRC should focus their attention on and
13 find out how long the cracks have existed there and
14 how did the cracks come to be. And, you know, how
15 significant or how vulnerable is the intake structure
16 to damage from these flood waters. And would it lose
17 its capabilities ultimately to cool the nuclear
18 reactor core -- the fuel in there?

19 The water, as I already talked about
20 earlier, even the NRC admitted in that news article
21 that they -- so the nuclear site is submerged in mud
22 and there's underground electric power lines. And,
23 you know, these power lines also provide -- these
24 underground power lines also provide power to the
25 service water pumps, you know. And the service water

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1 pumps, again they serve a function to cool the nuclear
2 fuel.

3 So it is very serious if those underground
4 cables fail. And they are sitting under mud and
5 water. And they weren't designed for that for any
6 extended period of time.

7 And then there's concerns I have about the
8 plant -- the physical structure of the plant. Did all
9 this water and muck from being surround by -- you know
10 the plant is sitting in a riverbed when it is flooded
11 by the river water. It is part of the river, you
12 know.

13 When it wasn't originally designed, it
14 wasn't -- you know the licensee didn't come to the NRC
15 and say could we have a license to build a nuclear
16 power plant in the middle of the river? No, it was
17 dry ground when they built the plant. So it's sitting
18 in the middle of a river now when it is surrounded by
19 water. So you've got to have a concern and I have a
20 concern that the physical structure may have shifted.
21 There could have been a seismic event because of the
22 muck and the water surrounding the facility.

23 So I would like the NRC to have that
24 analyzed. And hopefully the licensee's private
25 contractor that they talked about is going to do that.

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1 And probably they will. They sound like a very
2 responsible licensee.

3 Okay, so in summation with this Fort
4 Calhoun Nuclear Power Plant, the United States should
5 be concerned and I am concerned, I'm requesting the
6 NRC to be concerned and to take action with respect to
7 the scenario where the dam would actually fail and the
8 Missouri River would be inundated with tons of water,
9 millions and millions of gallons of water headed for
10 the Fort Calhoun Nuclear Plant and the Cooper Nuclear
11 Plant.

12 I'm concerned with respect to the Fort
13 Calhoun Nuclear Plant about also the failure of the
14 service water intake cooling water system. And all
15 the underground cables and systems we talked about.

16 I'm concerned about their flood protection
17 systems. In my view, they're not adequate. And, you
18 know, when a piece of equipment punctured their aqua-
19 berm and we all see what happened after that
20 punctured, it failed and all the water came out and
21 they lost that protection even though that was
22 supposedly an enhancement.

23 The fact is Fort Calhoun's flood
24 protection system is just flat out not adequate to
25 ensure public health and safety. And the main areas

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1 addressed there were all the underground facilities,
2 the intake structures, physical systems, all the water
3 barriers between the nuclear facility and the dam, and
4 the dam itself.

5 With respect to the Cooper Nuclear Plant,
6 you know, the concern is heightened for public health
7 and safety because the NRC, as the government
8 regulator, continued to allow the nuclear operator,
9 the licensee, to operate its nuclear power plant at
10 100 percent power. And that, to me, is irresponsible
11 on the part of the NRC and it jeopardized, placed
12 public health and safety in grave jeopardy.

13 You can't -- it's just common sense tells
14 you don't wait and allow that plant to continue to
15 operate because they've got 18 more inches to go. You
16 have to think outside the box, NRC. This is, you
17 know, this is a different environment now. You have
18 terrorists. You have earthquakes going on. You got
19 hurricanes going on. You have an example of a Mark 1
20 nuclear reactor -- three of them out there melting
21 down in Japan right now.

22 The Cooper Nuclear Plant is a GE Mark 1
23 nuclear reactor. The NRC has already cited them for
24 failure of these manual valves. And because the
25 reactor is operating at 100 percent power, if you had

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1 a nuclear accident -- let's say the dam broke and you
2 had all this water flooding that nuclear plant, the
3 Cooper plant, well even if the operator would manually
4 scram it or it would scram itself -- scram, for the
5 public's information, is where the rods automatically
6 fall into the core to shut the fission process down --
7 even if that would scram, coming from 100 percent, the
8 decay heat removal is tremendously much larger than
9 the decay heat removal at the Fort Calhoun Nuclear
10 Plant, which is already in cold shutdown.

11 You're only talking about removing
12 approximately five percent of residual decay heat from
13 Fort Calhoun but the residual decay heat removed from
14 Cooper would be tremendously larger. What if you had
15 the emergency service water failure because of the
16 dam, you know? And it is 100 percent power.

17 On March 31st, 1994, there was a report,
18 a June 1993 record flooding, okay? And there was a
19 concern about flooding protection for the Cooper
20 Nuclear Plant.

21 The 1993 flood design basis -- that's what
22 the plant was built around -- a 1993 flood design
23 basis, the final safety analysis report, which is the
24 safety document for the safety margins -- that,
25 coupled with the technical specifications allowed the

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1 Cooper Nuclear Plant to operate under NRC license --
2 well, it would now appear that the plant has been
3 allowed by the NRC to operate outside its final safety
4 analysis and safety design basis because if the flood
5 of '93 met or exceeded -- if that was a record flood,
6 and it met or exceeded the licensee's final safety
7 analysis design basis at that time, this current flood
8 of 2011 is greater than that flood.

9 So in my view, and as a matter of common
10 sense, the licensee has been operating their nuclear
11 power plant outside their final safety analysis
12 report, technical specifications, and safety design
13 basis because the flood is greater now than it was
14 then. And the NRC has allowed this to happen.

15 Again, with Cooper, the flood waters could
16 take out off-site power. If the dam breaks, all that
17 water is coming in. Or just because the Army Corps of
18 Engineers was releasing water from that dam, the river
19 level was rising, you could lose off-site power from
20 the switchyard.

21 You could lose the service water pumps and
22 the service water pumps, you know they also serve to
23 cool the emergency diesel generators. So even though
24 -- if you lose the switchyard and your emergency
25 diesel generators start up automatically as they're

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1 supposed to, let's hope they do, those emergency
2 diesel generators could shut down because if you lose
3 service water to cool the diesel generators, they're
4 going to shut down. Now how are you going to have
5 residual heat removal from the nuclear core? You're
6 not. You're going to melt down.

7 So that brings us to the final concern
8 here. A terrorist attack, okay? Now this plant is
9 unique from other nuclear plants that I am aware of
10 because terrorists have at least two grand
11 opportunities to cause a core meltdown at either the
12 Fort Calhoun Nuclear Plant or the Cooper Nuclear
13 Plant.

14 They could do it by blowing up the dag-
15 gone dam and I talked about what would happen if that
16 dam fell, all that water would come down here and take
17 out the switchyards for both plants, which is your
18 off-site power. The emergency diesel generators would
19 have to kick in but they would probably get inundated
20 by the amount of flood water, which is not anticipated
21 in the licensee's flood plans or license documents or
22 emergency preparedness documents to the extent that
23 the plant could be protected. And you're going to
24 have two nuclear plants simultaneously melting down.

25 Or the terrorists could take out off-site

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1 power. And you'd be in the same scenario. You
2 wouldn't be as bad because you would have the
3 emergency diesel generators but like I said before, my
4 concern is even the NRC's task force, in my view, did
5 not adequately address this fact -- this issue of
6 emergency diesel generators.

7 They -- in my view, they need to be -- the
8 licensees, both Cooper and Fort Calhoun and all other
9 NRC licensees need to be able to keep their emergency
10 diesel generators running continuously for at least 30
11 days or more because I tell you, these terrorists and
12 acts of God are unpredictable and the damage could be
13 significant where the licensee could not reestablish
14 off-site power. And they would have to depend on
15 emergency diesel generators to prevent a nuclear core
16 reactor meltdown.

17 So the NRC needs to focus its attention on
18 requiring a minimum of 30 days. You know I know the
19 NRC Chairman talked about increasing battery
20 sustainability up to at least eight hours or more, you
21 know. Let's not even talk about having to go to
22 batteries. I mean let's talk about making sure the
23 emergency diesel generators can run for at least 30
24 days or more.

25 I think that would do more to protect

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1 public health and safety than increasing the battery
2 life. Although I think the Chairman is correct that
3 the batteries need to be able to sustain power for a
4 longer period than four or eight hours. But I think
5 right now we have an immediate need to address
6 increasing the operability of the emergency diesel
7 generators and that includes the ability to bring fuel
8 to the site.

9 And here we have two nuclear plants that
10 are surrounded by water. How is the licensee going to
11 continually bring fuel to those emergency diesel
12 generators in the scenario where the dam breaks. I
13 mean you have to think out of the box. This is a new
14 day where you have bad people in this world and you
15 have more and more acts of God happening. And very
16 significant acts of God. And you have to take in
17 these accident scenarios to protect public health and
18 safety.

19 And with that, I'm going to end the
20 presentation. And I will remain on this line to
21 entertain any questions from the NRC or from anybody
22 in the public or the media.

23 MR. HOLIAN: Good, Mr. Saporito, thank
24 you. A good discussion and good supplement to the
25 issues.

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1 This is Brian Holian, the petition manager
2 -- or Board Chair, I guess, get the terms right.

3 I will open it up to NRC staff that may
4 want to ask you any questions. I had a few here --
5 not necessarily questions, really just comments. I
6 wanted to reiterate some of what you said. I want to
7 see you go from this call with the assurance that we
8 do have your additional messages captured.

9 First off, you know, I will reiterate what
10 you stated. And concur with that. That your comments
11 here, you know, will be considered as a supplement to
12 the petitions on Fort Calhoun and Cooper. That is
13 part of our process. That's the reason for this call.
14 That's why we gather the Board together for this call,
15 one, to listen to it, and then two, to read the
16 transcript when we get the transcript back. So I
17 wanted to reiterate that for you and you understand
18 that process. And that is how it will work.

19 I'll cover just a few of the items in
20 particular. You provided quite a bit so I don't mean
21 to go back down that whole list. That's the purpose
22 of the transcript and we will study that. But I
23 wanted to make sure that you heard -- that we heard
24 some of the issues. And I'll key off some of the key
25 ones.

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1 One, you know, you wanted -- you made a
2 good description of both what's occurred at Fort
3 Calhoun and Cooper. And you're primary item there,
4 one of the primary items early on was to NRC show that
5 these are not disparate actions by the NRC, that, you
6 know, where are they consistent between Fort Calhoun
7 and Cooper.

8 You bring out the fact that one is still
9 operating so that shows an inconsistency, in your
10 view, so we should address that in a petition. And we
11 have that down.

12 Two, other -- oh, and along with number
13 one, I'll just add in here, you did request that we
14 send this on to the Office of the Inspector General
15 primarily related to what, in your view, is disparate
16 action by the NRC, for them to do an independent look.
17 So we will offer that up to the IG and forward them,
18 you know, this transcript and that request. So we did
19 capture that.

20 Two, you know, I think you went to greater
21 depth on issues about dam breaking and, in general, is
22 the flood protection still adequate even in the state
23 that the plants are now? So we did capture that
24 point.

25 You made an additional point about

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1 although one plant is shutdown and in cold shutdown,
2 you know, Fort Calhoun, and they were down for an
3 outage, you made the point, which is one, that plant,
4 even though you commended them for staying down, you
5 wanted us to know and the public to know that that
6 still plant is not without risk. They still do have
7 some decay heat there. There are still things that
8 could occur there. And, you know, we would concur
9 with that.

10 And then, of course, you made the point
11 that Cooper would, of course, have a higher decay heat
12 rate even after they were to shut down if that were to
13 occur if they exceeded their limit. So we concur with
14 that.

15 Other items there, you know, you went on
16 to say that there's other issues with this flood
17 water. One, not just what could happen, but the fact
18 the flood waters are in here now, what does that
19 change at the plant? Are the intake structures --
20 one, you wondered about the intake structures really
21 at both plants, were they to fail and are they more
22 susceptible to failure in this flood condition.

23 The mud and the muck and where that is and
24 what that might be doing to cables and underground
25 structures, and even the physical structure of the

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1 plant, we do have that noted as an item that you would
2 like us to comment on.

3 And in particular, you called out has
4 Cooper operated outside a good flood analysis. And
5 you quoted a 1993 flood analysis. So, you know, I
6 picked that up also as one of the items.

7 So those were a few of the items I picked
8 up. Once again, the Board, as a whole, will study the
9 transcript. Those were general areas and not to be
10 exclusive. But I just wanted you to know that we were
11 following along on the discussion there.

12 I'll open it up really for questions from
13 the staff. But I did want to -- in case -- and we
14 will open it up to members of the public also if there
15 are some on that didn't, you know, highlight
16 themselves.

17 I did want to comment just quickly again
18 on just a few statements you made. It's not our point
19 here at the Board to answer any of those issues,
20 including the items I just had. We'll answer them
21 formally. But I did want to reiterate some of your
22 comments.

23 One, just to make sure you are aware and
24 then -- of NRC actions or NRC perspectives on a few of
25 the things you brought up. One, as you are aware of,

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1 the Fukushima report is out there. And I don't know
2 if you've seen the Commission action that has been
3 taken recently. I think it was just within the last
4 week they sent down a staff requirements memorandum,
5 you know, requiring Commission papers on certain time
6 frames, you know, a five-day look, a 21-day look, 45-
7 day report.

8 So that's out publicly I believe. So
9 you'll see in the bigger perspective, which is one
10 that you wanted to push the NRC to do, are you
11 looking, you know, one, outside the box? Or are you
12 looking at these issues in light of Fukushima? And I
13 know you are aware that that task force report is out
14 there.

15 I think the Agency is looking at all of
16 the plants with that bigger perspective. So I wanted
17 you just to follow that and follow these Commission
18 papers that will be -- are demanded of us here and
19 we'll be responding to in that matter.

20 Number two, just in comments you made
21 really about -- one was Commission -- I'm sorry,
22 Chairman Jaczko going out there and overseeing the
23 plants in a helicopter ride. And you just made a
24 statement that, you know, he says it was safe from a
25 cursory review. And I just wanted to comment on that.

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1 I'm sure you are aware that statements,
2 you know, made in the press and issues like that are
3 not based just on a cursory review by any one member
4 of the Commission, a Commissioner, or the EDO. You
5 know they take into account, in this case in
6 particular, the Region IV inspectors and the on-site
7 inspection. And that gets done both there and is
8 supplemented by headquarters. So I mean I just wanted
9 to state that since you almost made it sound like he
10 was on his own in a cursory review saying that.

11 Three, you know, you made a point about
12 the resident inspectors, in particular when you cited
13 I believe it was at Fort Calhoun and then you also
14 cited Cooper but I don't think you mentioned it that
15 well, they've been cited in the past. And I
16 personally come from nine years, relatively recently,
17 out as a regional manager.

18 And so I just wanted to comment on that
19 also that when people ask where is the resident
20 inspector in those cases, you know, you could do it or
21 the public could do it or the NRC could do it on any
22 finding or violation, you know, can or should the
23 residents have found that earlier. And that is
24 something the Agency always looks at.

25 But in particular, as you are aware, the

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1 residents are out there sampling a variety of plant
2 issues. So these types of issues is one of the
3 reasons why we have reporting criteria that are on the
4 licensees to answer these types of things.

5 And finally, you know, going back to that
6 disparate design, you know, we did pick that up -- or
7 disparate actions. But just on the phone call, you
8 know, as you look at the different criteria for the
9 plants, you know, we will, as part of that, look at
10 many times plants have different design criteria built
11 into the design.

12 So even if they're, you know, relatively
13 close to one another, even the Fukushima plant, as you
14 mentioned, you know, the six units, a couple of them
15 were higher up on a cliff and had different design
16 criteria because of the different age of the plants.
17 So I just bring that out, that is something that's
18 one, always possible, but it is worth the NRC looking
19 at. And we'll do that with these petitions.

20 Those are some general comments that I
21 had. Let me open it up now at this time to just NRC
22 staff here in the room. Any questions or
23 clarification for Mr. Saporito or questions you might
24 have?

25 (No response.)

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1 MR. HOLIAN: Looking around to the Board,
2 I think they were taking notes, Mr. Saporito. And I
3 guess there's no questions here.

4 We had a regional rep on the phone. Any
5 questions from NRC staff that are on the phone?

6 MR. HAIRE: Yes, this is Mark Haire in
7 Region IV. I don't have any additional questions.

8 MR. HOLIAN: Okay. Thank you, Mark. And
9 Mark is a member of the Board, Mr. Saporito, just
10 repeating that again.

11 We did have -- I guess Lynnea -- and I'm
12 sorry, I mispronounced your name earlier. I think I
13 said Lynnette, Mr. Saporito, it's Lynnea. We had one
14 licensee on the phone.

15 Does the licensee have any questions? The
16 one licensee rep or if another one joined, any
17 questions or comments?

18 MS. BAUGHN: This is Susan Baughn with
19 Omaha Public Power. And I have no questions.

20 MR. HOLIAN: Okay. Well, going on to
21 members of the public, you know, before I conclude.
22 Members of the public may provide comments regarding
23 these petitions and ask questions about the process
24 also. As I stated at the beginning, the purpose of
25 this meeting is not to provide an opportunity really

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1 to examine the merits of any of these issues. And so
2 even my comments weren't going to the merits. I just
3 wanted to make sure that they are in the proper
4 perspective.

5 But members of the public, if there are
6 any on that might have any questions or comments at
7 this time?

8 (No response.)

9 MR. HOLIAN: Okay. I hadn't heard anybody
10 identifying themselves earlier.

11 Well, Mr. Saporito, this is Brian Holian
12 again. I thank you for taking the time today. It's
13 a lengthy amount of time. I thank you for the
14 petitions themselves. It is a very worthwhile
15 process, the 2.206 process. I hold it up as a
16 valuable tool that is in the regulations for the right
17 purpose.

18 So one, I appreciate the time you took to
19 submit the petition, working with our staff to
20 schedule this phone call, and I appreciate the time
21 you took today to lead us through some of the other
22 issues that aren't in your official petitions but that
23 you would like to be added.

24 One last item, the court reporter, I think
25 you've been able to follow along. Do you need any

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1 clarification or any acronyms or anything.

2 COURT REPORTER: No, thank you. I think
3 I'm all set.

4 MR. HOLIAN: Okay. Thank you. Mr.
5 Saporito, again, thank you again. And with that,
6 we're concluded. Thank you.

7 (Whereupon, the above-entitled Petition
8 Review Board telephone conference was concluded at
9 2:40 p.m.)

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