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NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition RE
Palisades Nuclear Power Plant

Docket Number: (n/a)

Location: Teleconference

Date: Monday, April 2, 2012

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

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6 PETITION FOR PALISADES NUCLEAR PLANT

7 + + + + +

8 MONDAY

9 APRIL 2, 2012

10 + + + + +

11 The conference call was held at 2:00 p.m., Allen
12 Howe, Chairman of the Petition Review Board,
13 presiding.
14
15 PETITIONER: THOMAS SAPORITO
16
17 PETITION REVIEW BOARD MEMBERS
18 ALLEN HOWE, Petition Review Board Chairman,
19 Deputy Director, Division of Operating
20 Reactor Licensing, Office of Nuclear
21 Reactor Regulation, NRC
22 MAHESH "MAC" CHAWLA, Project Manager for
23 Palisades Nuclear Plant
24
25

1 NRC HEADQUARTERS STAFF
2 DAVID ALLEY, Office of Nuclear Reactor
3 Regulation's Piping and NDE Branch
4 MERRILEE BANIC, Petition Coordinator, NRR
5 VIJAY GOEL, Office of Nuclear Reactor
6 Regulation's Electrical Engineering
7 Branch
8 KIM MORGANBUTLER, Acting Branch Chief,
9 Generic Communications Branch, NRC
10 JEFF POEHLER, Office of Nuclear Reactor
11 Regulation's Vessels and Internals
12 Integrity Branch
13 ADDITIONAL NRC PARTICIPANTS
14 JACK GIESSNER, Branch Chief, Branch 4, from
15 Region 3, Division of Reactor Projects
16 MAURIE LEMONCELLI, Office of General Counsel
17 ROBERT LERCH, Project Engineer, Branch 4, from
18 Region 3, Division of Reactor Projects
19 ANTONIO ZOULIS, from the Office of Nuclear
20 Reactor Regulation's PRA Operational
21 Support Branch
22 ALSO PRESENT
23 JIM KUEMIN, Entergy Nuclear Operations
24 JOHN STEVE'S
25

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15

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

2 2:01 P.M.

3 MR. CHAWLA: Okay, folks. Good afternoon.
4 We'll get started here. I would like to thank
5 everybody for attending this meeting. My name is Mac
6 Chawla and I'm the NRC Project Manager for the
7 Palisades Nuclear Plant.

8 We are here today to allow Petitioner
9 Thomas Saporito to address the Petition Review Board
10 regarding the 2.26 petition dated March 1, 2012.

11 I'm also the Petition Manager for the
12 petition. The Petition Review Board Chairman is Allen
13 Howe.

14 As part of the Petition Review Board or
15 PRB's review of this petition, Thomas Saporito has
16 requested this opportunity to address the PRB.

17 This meeting is scheduled from 2 to 3 p.m.
18 Eastern Time. The meeting is being recorded by the
19 NRC Operations Center and will be transcribed by a
20 court reporter. The transcript will become a
21 supplement to the petition. The transcript will also
22 be made publicly available.

23 I would like to open this meeting with
24 introductions. As we go around the room, please be
25 sure to clearly state your name, your position, and

1 the office that you work for within the NRC for the
2 record.
3 I'll start off. Again, my name is Mac
4 Chawla. I'm the Petition Manager for this petition.
5 We'll go around the room here.
6 MS. BANIC: Lee Banic, Petition
7 Coordinator, NRR.
8 MS. MORGANBUTLER: Kim MorganButler, the
9 Acting Branch Chief for the Generic Communications
10 Branch, NRR.
11 MR. GOEL: Vijay Goel, Electrical Engineer
12 from the Office of Nuclear Reactor Regulation.
13 MR. POEHLER: Jeff Poehler, Senior
14 Materials Engineer's Vessels and Internals
15 Integrity Branch in NRR, Division of Engineering,
16 representing Simon Sheng who couldn't be here today.
17 MR. ALLEY: Dave Alley, Senior Materials
18 Engineer, Acting Branch Chief for the Piping and NDE
19 Branch, NRR.
20 CHAIRMAN HOWE: Allen Howe, Deputy
21 Director, Division of Operating Reactor Licensing,
22 Office of Nuclear Reactor Regulation, and I'm also the
23 PRB chair.
24 MR. CHAWLA: We have completed
25 introductions at NRC headquarters, at this time are

1 there any other parties on the phone?

2 MS. LEMONCELLI: Yes, good afternoon.

3 This is Maurie Lemoncelli, NRC, Office of the General

4 Counsel.

5 MR. CHAWLA: Are there any NRC

6 participants from the Regional Office on the phone?

7 MR. LERCH: This is Robert Lerch calling

8 from Region 3.

9 MR. GIESSNER: Jack Giessner, Branch

10 Chief, responsible for Palisades, Region 3.

11 MR. ZOULIS: Antonio Zoulis, Headquarters,

12 on the phone, also, Division of Risk Assessment.

13 MR. CHAWLA: Okay, anybody else from

14 headquarters or region? Hearing none, are there any

15 representatives for the licensee on the phone?

16 MR. KUEMIN: Jim Kuemin from Palisades,

17 Entergy Nuclear Operations.

18 MR. CHAWLA: Mr. Saporito, would you

19 please introduce yourself for the record?

20 MR. SAPORITO: My name is Thomas SAPORITO.

21 I'm the senior consultant with Saprodani Associates,

22 Jupiter, Florida.

23 MR. CHAWLA: It is not required for

24 members of the public to introduce themselves for this

25 call. However, if there are any members of the public

1 on the phone that wish to do so at this time, please
2 state your name for the record. Any members of the
3 public on the phone? Hearing none, I would say there
4 are no members of the public other than Mr. Saporito
5 himself.
6 I would like to emphasize that we need to
7 speak clearly and loudly to make sure that the court
8 reporter can accurately transcribe this meeting. If
9 you do have something that you would like to say
10 please first state your name for the record.
11 For those dialing into the meeting, please
12 remember to mute your phones to minimize any
13 background noise or distractions. If you do not have
14 a mute button, it can be done by pressing the *6. To
15 unmute press the *6 keys again. Thank you.
16 At this time, I'll turn it over to the PRB
17 Chairman, Allen Howe.
18 CHAIRMAN HOWE: Mac, thank you, and as Mac
19 said, if you could mute your phones if you're not
20 speaking that would be appreciated.
21 Good afternoon andI want to welcome
22 everybody to this meeting regarding the 2.206 petition
23 submitted by Mr. Saporito.
24 I'd like to share a little bit of
25 background on our process. Section 2.206 -- excuse

1 me, could you please mute your phone if you're not
2 speaking? Thank you.
3 Section 2.206 of Title X of the Code of
4 Federal Regulations describes the petition process,
5 the primary mechanism for the public to request
6 enforcement action taken by the NRC in a public
7 process. The process permits anyone to petition NRC
8 to take enforcement-type action related to NRC
9 licensees or licensed activities. Depending on the
10 results of this evaluation, NRC could modify, suspend,
11 or revoke any NRC issued license or take any other
12 appropriate enforcement action to resolve the problem.
13 The NRC staff's guidance for the
14 disposition of a 2.206 petition request is in
15 Management Directive 8.11 which is publicly available.
16 The purpose of today's meeting is to give
17 the Petitioner an opportunity to provide any
18 additional explanation or support for the petition
19 before the Petition Review Board, initial
20 consideration, and recommendation.
21 A couple points I want to mention here.
22 The meeting is not a hearing, nor is it an opportunity
23 for the Petitioner to question or examine the PRB on
24 the merits or the issues presented in the petition
25 request. Nodecisions regarding the merits of this

1 petition will be made at this meeting.

2 Following this meeting, the Petition
3 Review Board will conduct its internal deliberations.
4 The outcome of this internal meeting will be discussed
5 with the Petitioner.

6 The Petition Review Board typically
7 consists of a chairman, usually a manager at the
8 Senior Executive Service level at the NRC. It has a
9 Petition Manager and a Petition Review Board
10 Coordinator. Other members of the Board are
11 determined by the NRC staff based on the content of
12 the information of the petition request.

13 At this time I'd like to introduce the
14 members of the Board. As I said earlier, I'm Allen
15 Howe, I am the Petition Review Board Chairman. Mac
16 Chawla is the Petition Manager for the petition under
17 discussion today. Merrilee Banic is the Office's
18 Petition Review Board Coordinator. Technical staff
19 representation includes Vijay Goel from the Office of
20 Nuclear Reactor Regulation's Electrical Engineering
21 Branch; Simon Sheng from the Office of Nuclear Reactor
22 Regulation Vessel Internals Integrity Branch. Sitting
23 in for Simon today is Jeff Poehler. Antonio Zuelis
24 from the Office of Nuclear Reactor Regulation, PRA
25 Operational Support Branch. David Mueller from the

1 Office of Nuclear Reactor Regulation, Licensing and
2 Training Branch. Molly Keefe from the Office of
3 Nuclear Reactor Regulation, Health Physics and Human
4 Performance Branch. Kim Morgan Butler from the Office
5 of Nuclear Reactor Regulation's Generic Communication
6 Branch. David Alley from the Office of Nuclear
7 Reactor Regulation's Piping and NDE Branch. Jack
8 Geissner, Branch Chief, Branch 4 from Region 3,
9 Division of Reactor Projects. Robert Lerch, Project
10 Engineer, Branch 4 from Region 3, Division of Reactor
11 Projects. We also obtain advice from our Office of
12 the General Counsel represented by Maurie Lemoncelli.
13 As described in our process, the NRC staff
14 may ask clarifying questions in order to better
15 understand the Petitioner's representation and to
16 reach a reasoned decision whether to accept or reject
17 the Petitioner's request for review under the 2.206
18 process.
19 I'd like to summarize the scope of the
20 petition under consideration and the NRC activities to
21 date. On March 1, 2012, Mr. Saporito submitted to the
22 NRC a petition under 2.206 regarding Palisades Nuclear
23 Plant. In this petition request, Mr. Saporito is
24 requesting the following actions: escalated
25 enforcement action against Palisades Nuclear Plant,

1 PNP for short, to suspend or revoke the NRC license
2 granted to the licensee for operation of the PNP.
3 The second item is for NRC to issue a
4 Notice of Violation with a proposed civil penalty
5 against the licensee in the total amount of $1
6 million. And the third item is NRC to issue a
7 confirmatory order requiring the licensee to take
8 specific actions and bring PNP down to a cold shutdown
9 mode of operation until a number of requested actions
10 specified the petition take place.
11 I want to provide to you a little bit of
12 background on the NRC activities to date. On March
13 12, 2012, the Petition Manager contacted the
14 Petitioner via email to describe the petition process
15 under Section 2.206 of Title X of the Code of Federal
16 Regulations and requested confirmation for processing
17 your request under the 2.206 process. The
18 Petitioner was also provided the opportunity to
19 address the Petition Review Board.
20 On March 15, 2012, the Petitioner provided
21 the Petition Manager an acknowledgment via email and
22 also requested the teleconference details to enable
23 him to address the Petition Review Board.
24 On March 16, 2012, the Petition Review
25 Board met internally to discuss the request for

1 immediate action. The Petition Review Board denied
2 the petition request for immediate action on the basis
3 that there was no immediate safety concern to the
4 plant or to the health and safety of the public. The
5 Petitioner did not provide any additional information
6 beyond reference to these events which have been the
7 subject of previous NRC inspection activities for
8 which a resolution has been achieved.
9 The amount of penalty was also determined
10 by the enforcement process which is based on
11 inspection findings and the violations given to the
12 licensee. In general, all requested actions in the
13 petition do not have sufficient basis for the NRC to
14 take escalated enforcement. Therefore the request to
15 require the escalated enforcement action to shut down
16 PNP and the requested civil penalty were denied.
17 On March 20th, the Petition Manager
18 contacted the Petitioner via email to inform him about
19 the PRB decision for the immediate action. He also
20 confirmed the date of the teleconference to address
21 the PRB by phone and provided the necessary details.
22 Today, April 2, 2012, the Petitioner sent
23 via email five exhibits to be provided to the Petition
24 Review Board members prior to the meeting, submitted
25 as a supplement to the original enforcement petition,

1 dated March 1, 2012 and to be referenced during the
2 context of the meeting.
3 As a reminder for the phone participants,
4 please identify yourself if you make any remarks as
5 this will help us in the preparation of the meeting
6 transcript that will be made publicly.
7 Mr. Saporito, I'd like to turn the meeting
8 over to you to allow you the opportunity to provide
9 any information you believe the Board should consider
10 regarding this petition.
11 MR. SAPORITO: All right, thank you very
12 much for this opportunity. For the record, my name is
13 Thomas Saporito and I am the Petitioner in this matter
14 and Senior Consultant for Saprodani Associates located
15 in Jupiter, Tequesta area, South Florida.
16 I filed an enforcement petition on March
17 1, 2012 under 10 CFR 2.206 with the Executive Director
18 for Operations with the U.S. Nuclear Regulatory
19 Commission, or NRC, seeking certain and specific
20 escalated enforcement actions against Palisades
21 Nuclear Plant in connection with Licensed Operations
22 at that facility which appeared to jeopardize public
23 health and safety in violation of NRC safety
24 regulations and requirements under 10 CFR Part 50 and
25 under other NRC authority.

1 The entirety of my presentation today on
2 the record, along with several exhibits to the
3 petition that I will enter into the record today, are
4 to be considered by the NRC Petition Review Board in
5 their entirety, just the same as if I provided them to
6 the NRC at the time of the filing of the instant
7 petition in this matter on March 1, 2012.
8 For the record, I provided a copy of all
9 exhibits presented here today to NRC employee, Mahesh
10 Chawla via email and requested the exhibits be made
11 available to the members of the NRC Petition Review
12 Board.
13 Before I continue, I have to comment on
14 some of the remarks the NRC put on its public record
15 today. To the extent that the NRC made public on this
16 record that certain NRC enforcement actions to date
17 have addressed and resolved serious nuclear safety
18 violations at the Palisades Nuclear Plant, I take
19 exception to that statement because it's simply not
20 true and it's false and it's misleading to the public
21 at large.
22 The history, and I'll get into the history
23 throughout this presentation, the history of
24 violations, serious safety violations at the Palisades
25 Nuclear Plant is well documented by the NRC and in

1 each case, the NRC makes that very same statement that
2 the enforcement actions taken as a result of certain
3 violations were addressed and resolved. And of
4 course, they're not because if they were in each of
5 those cases, the plant wouldn't have degraded as the
6 NRC has acknowledged and documented over the years and
7 we wouldn't be discussing these serious safety
8 violations today. So those statements are certainly
9 misleading and they're not true and they're, in fact,
10 false that these serious safety violations continue
11 today and the plant is being operated very dangerously
12 despite what the NRC has told the public.
13 Another point I want to make before I get
14 into this presentation is that I have researched and
15 have found that the NRC has not properly noticed this
16 meeting to the public. The public has a right to
17 participate at the end of this meeting to engage the
18 NRC or engage myself with respect to the issues
19 presented in this petition, yet, there doesn't appear
20 to be any news releases by the NRC. There doesn't
21 appear to be any publication in any newspaper. There
22 doesn't appear to be any notice provided on the NRC's
23 website where they advertise public meetings. And I
24 am very concerned about that.
25 And continuing here, to the extent that

1 the actions on the part of the NRC to date do not
2 appear sufficient to protect public health and safety
3 in connection with Licensed Operations at the
4 Palisades Nuclear Plant, I request that a copy of the
5 record transcripts, along with any exhibits identified
6 on the record today, be provided to the NRC Office of
7 Inspector General to enable that agency to make an
8 informed decision about whether to conduct an
9 investigation of the NRC and these circumstances.
10 It is important that I briefly explain for
11 the public's benefit the NRC's reactor oversight
12 process as follows. The NRC's regulatory framework
13 for reactor oversight consists of three key strategic
14 performance areas: reactor safety, radiation safety,
15 and safeguards. Within each strategic performance
16 area are cornerstones that reflect the essential
17 safety aspects of facility operation. The seven
18 cornerstones include initiating events, mitigating
19 systems, barrier integrity, emergency preparedness,
20 public radiation safety, occupational radiation
21 safety, and physical protection.
22 Satisfactory licensee performance in the
23 cornerstones provides reasonable assurance of safe
24 facility operation and that the NRC safety mission is
25 being accomplished. That's according to the NRC.

1 As can be readily seen, the NRC's
2 regulatory framework for reactor oversight is
3 essentially an after-the-fact process or a reactive
4 process, rather than a proactive process. As such,
5 the NRC's regulatory framework for reactor oversight
6 jeopardizes public health and safety and fails to
7 accomplish the Agency's mission which can lead to a
8 Fukushima-type nuclear accident here in the United
9 States if left unchecked.
10 Although the purpose and intent of the
11 instant petition before the NRC Petition Review Board
12 today centers around serious nuclear safety concerns
13 in connection with licensed activities at the
14 Palisades Nuclear Plant, it is imperative that serious
15 problems with the NRC's regulatory framework for
16 reactor oversight be identified in relation to the
17 root cause of the nuclear safety violations at the
18 Palisades Nuclear Plant. Indeed, it was the
19 failure of the NRC's regulatory framework for reactor
20 oversight which resulted at least in part to the
21 serious nuclear safety violations at the Palisades
22 Nuclear Plant.
23 (Whereupon, the above-referred to document was marked
24 as Petitioner's Exhibit 1 for
25 identification.)

1 For the record, I would like to identify
2 Petitioner's Exhibit 1 which is a March 25, 2012 news
3 article by Fritz Klug, a reporter for the Kalamazoo
4 Gazette. The news article is entitled "Inside
5 Palisades NRC Inspectors Give Glimpse into Power
6 Plant." At page two of the news article, it talks
7 about the role of the on-site NRC inspectors and
8 states that "a work day starts around 6:15 a.m. with
9 the review of the plant logs from an Entergy computer
10 in the NRC's office located in the heart of the plant.
11 Every day, the inspectors go through Condition Reports
12 to see what employees identified as concerns the
13 previous day."
14 Taylor, the Senior NRC Resident Inspector
15 at the Palisades Nuclear Plant, was quoted as stating
16 that "We make a point to see what problems employees
17 are flagging and we tailor our inspection activities
18 for the day based on what we see. With two personnel
19 on site, there is no way we can watch every single
20 person, every single activity, every single day. So
21 we use the available resources and information we have
22 and look what appears to be the most significant."
23 Ellegood, the second Resident Inspector at
24 the Palisades Nuclear Plant was quoted by the news
25 reporter as stating, "We know there were some

1 procedure weaknesses, but I can't go out and point to
2 this piece of equipment and know the procedure was
3 weak. You want to get to things early when you can,
4 but we don't have a crystal ball."
5 Ellegood, the NRC Resident Inspector, he
6 likened it to a police officer looking for drunk
7 drivers. The officer knows that drunken driving is a
8 problem, but he cannot stop a man walking into the bar
9 at 5 o'clock and arrest him as identified in the news
10 article at page three. Well, you know, as a member of
11 the public I see that a little different. The police
12 officer can certainly monitor the individual's
13 drinking activity inside the bar and the police
14 officer can certainly monitor the bartender and how
15 many drinks he is serving to the public in that bar.
16 The officer can ascertain, you know, who has consumed
17 too much alcohol and the officer can certainly engage
18 the individual before the individual gets into a motor
19 vehicle and injures a member of the public.
20 In kind, the NRC can certainly monitor the
21 licensee's activities and the NRC could have
22 intervened on these events, these nuclear safety
23 violations which the Agency cited at the Palisades
24 Nuclear Plant are involving the loss of a DC
25 electrical bus and one of the others involving a

1 material change in the coupling of a water pump, but
2 they didn't. It's an after-the-fact type of agency.
3 Let them do the violation and then we'll cite them for
4 it.
5 At this point in time I would like to
6 identify for the record Petitioner's Exhibit 2 which
7 is a February 29, 2012 news article by Matthew L. Wald
8 for the newyorktimes.com news agency.
9 (Whereupon, the above-referred to document was marked
10 as Petitioner's Exhibit 2 for
11 identification.)
12 The news article is entitled "The Nuclear
13 Ups and Downs of 2011." At the top of page one is
14 states that "The Nuclear Regulatory Commission spotted
15 a few problems in American reactors last year and
16 directed plant owners to fix them before they can
17 cause accidents. But it also let a lot of problems
18 slide and it failed to follow up and there were other
19 indications of deeper troubles." That's a conclusion
20 of a review from nuclear plant safety in 2011 by David
21 Lochbaum, an expert at the Union of Concerned
22 Scientists.
23 At the bottom of page one it states that
24 "None of the missteps resulted in any injuries or
25 release of radiation." But Mr. Lochbaum said that

1 "human error played a significant role and that the
2 Commission's safety philosophy relies on operators to
3 do the right thing in an emergency."
4 The news article continues at page three
5 stating that "Mr. Lochbaum characterized the incidents
6 as near misses, but Mr. McIntyre" -- M-C-I-N-T-Y-R-E
7 -- "of the Commission said "the NRC's oversight
8 program is designed to catch and correct problems well
9 before they become anything approaching a near miss."
10 It is imperative that the NRC Petition
11 Review Board and the NRC Office of Inspector General
12 make a special note of Mr. McIntyre's comment as I
13 discuss the specifics of the instant petition a little
14 bit later in this presentation in connection with
15 license activities at the Palisades Nuclear Plant.
16 At this time I would like to identify for
17 the record Petitioner's Exhibit 3 which is an August
18 10, 2010 NRC news release entitled "Focus on
19 Regulation, Prepared Remarks for the Honorable Gregory
20 B. Jaczko, Chairman, U.S. Nuclear Regulatory
21 Commission" at the Goizueta Directors Institute,
22 Atlanta, Georgia.
23 (Whereupon, the above-referred to document was marked
24 as Petitioner's Exhibit 3 for
25 identification.)

1 At page one of the exhibit, the Chairman
2 states that "The challenge for you, the leaders of the
3 utilities and in many of the nation's nuclear plants,
4 is to ensure that our nation never again experience an
5 accident like Three Mile Island, that no iconic image
6 like its cooling towers ever again enters a public
7 consciousness. With that in mind, I would like to
8 discuss three areas in which I think your leadership
9 can make a significant difference in promoting nuclear
10 safety and security."
11 The Chairman identified the three areas as
12 knowledge management, safety culture, and public
13 outreach. The most important area identified by the
14 Chairman in my view is safety culture. The Chairman
15 stated in relevant part that "Safety culture is not a
16 simple issue, but it is an important one. I'll share
17 with you a story from a few years ago to illustrate
18 this point. At a to remain nameless nuclear power
19 plant, an employee raised a safety concern through an
20 anonymous channel. The site vice president at this
21 plant took these concerns very seriously. He
22 desperately wanted to hear from the employee to find
23 out more about the safety issue to ensure that it was
24 resolved. So he called the plant's employees together
25 as a group and asked the anonymous tipster to come

1 forward to identify him or herself. Now there is a
2 couple of different ways to look at this situation.
3 If there was really a strong safety culture at this
4 plant, the concerned employee would have good reason
5 to come forward so that he or she could be
6 congratulated for identifying an issue that if left
7 unchecked could potentially lead to an unsafe working
8 environment.
9 On the other hand, if the safety culture
10 at this plant was not so strong, the site VP's actions
11 could in and of themselves be seen as intimidating and
12 retaliatory. And if we focus for a quick moment on
13 the fact that the concern had been raised anonymously,
14 I think we have our answer to the situation in this
15 particular instance.
16 The Chairman continued, "First and
17 foremost, this story demonstrates how important it is
18 to have a strong safety culture. Here you have a real
19 safety issue in question and the employee who
20 identifies it only feels comfortable in alerting the
21 plant managers anonymously. This situation isn't even
22 the worst case scenario where an employee doesn't even
23 feel comfortable raising it anonymously. The NRC has
24 sound rules and strong oversight programs in place,
25 but the simple fact of the matter is the Agency can't

1 be everywhere. The licensees that we regulate always
2 will have the primary day-to-day responsibility for
3 ensuring that their facility operates safely. That is
4 why it's crucial that our licensees focus on
5 cultivating the type of open, collaborative
6 organizational culture where employees feel
7 comfortable raising questions and issues.
8 "The second point that the story
9 highlights is that for an organization to develop a
10 strong safety culture, managers and employees at all
11 levels of the organization must demonstrate consistent
12 focus on safety and security. This isn't just about
13 the engineer on the ground who is responsible for
14 spotting the issue in the first place, or even his or
15 her supervisor who should be encouraging employees to
16 come forward with possible concerns. The very top
17 ranks of an organization have to make clear that their
18 primary focus remains on safety and security. And
19 when I refer to the top ranks, I don't mean just the
20 Chief Nuclear Officer, CNO, of the plant or even the
21 Chief Executive Officer, CEO of the utility. The tone
22 for a strong safety culture has to begin with the
23 Board of Directors, the people in this room whom the
24 CNO and the CEO ultimately answer." And his comments
25 are identified at page two of that exhibit.

1 I would ask that the Petition Review Board
2 please keep in mind the Chairman's comments about the
3 safety culture as I continue to discuss the instant
4 petition in this matter.
5 At this time I would like to identify for
6 the record Petitioner's Exhibit 4 which is a four-part
7 exhibit as described as follows.
8 (Whereupon, the above-referred to document was marked
9 as Petitioner's Exhibit 4 for
10 identification.)
11 Part 1 is entitled "AP" which stands for
12 Associated Press. "AP Aging Nukes" dated 6/20/2011
13 and authored by Jeff Donn of the Associate Press.
14 Part 2 is entitled "AP Aging Nukes" dated 6/21/2011
15 authored by Jeff Donn of the Associated Press. Part 3
16 is entitled "AP Aging Nukes" dated 6/27/2011
17 authorized by Jeff Donn of the Associated Press. And
18 Part 4 is entitled "AP Aging Nukes" dated 6/28/2011
19 authored by Jeff Donn of the Associate Press.
20 The four parts of this exhibit illustrate
21 the failure of the NRC's reactor oversight program in
22 connection with licensed operations at 104 nuclear
23 reactors in the United States. Although these
24 documents speak for themselves, it is important that
25 specific information relevant to the instant petition

1 be identified for the NRC Petition Review Board's
2 consideration in this matter as follows.
3 Petitioner's Exhibit 4, Part 1 at page 3
4 states in relevant part that "the AP found proof that
5 aging reactors have been allowed to run less safely to
6 prolong operations as equipment has approached or
7 violated safety limits. Regulators and reactor
8 operators have loosened or bent the rules. The NRC
9 weakened the safety margin for acceptable radiation
10 damage to reactor vessels for a second time. The
11 standard is based on a measurement known as a reactor
12 vessel's reference temperature which predicts when it
13 will become dangerously brittle and vulnerable to
14 failure. Over the years, many plants have violated or
15 come close to violating the standard. As a result,
16 the minimum standard was relaxed first by raising the
17 reference temperature 50 percent and then 78 percent
18 above the original even though a broken vessel could
19 spill its radioactive contents into the environment.
20 'We have seen the pattern,' said nuclear safety
21 scientist Dana Powers who works for Sandia National
22 Laboratories and also sits on an NRC Advisory
23 Committee. 'They're just trying to get more and more
24 out of these plants.'"
25 Petitioner's Exhibit 4, Part 4 states in

1 relevant part that "Regulators in industry now contend
2 that the 40-year limit was chosen for economic reasons
3 and to satisfy anti-trust concerns, not for safety
4 issues. They contend that a nuclear plant has no
5 technical limit on its life. But an AP review of the
6 historical records, along with interviews of engineers
7 who helped develop nuclear power shows just the
8 opposite. Reactors were made to last only 40 years
9 period."
10 The record also shows that a design
11 limitation on operating life was an accepted truism.
12 In 1982, D. Clarke Gibbs, chairman of the Licensing
13 and Safety Committee of an early industry group wrote
14 to the NRC that "most nuclear power plants, including
15 those operating under construction or plans for the
16 future are designed for a duty cycle which corresponds
17 to a 40-year life."
18 And three years later when Illinois' power
19 company sought a license for its Clinton Station,
20 utility official D.W. Wilson told the NRC on behalf of
21 his company's nuclear licensing department that "all
22 safety margins were established with the understanding
23 of the limitations that are imposed by a 40-year
24 design life." When he was a member of the Joint
25 Committee on Atomic Energy in the late 1960s, U.S.

1 Representative Craig Hosmer declared that "power
2 companies expect nuclear generating stations to last
3 30 years." Nuclear physicist, Ralph Lapp, an advocate
4 of atomic power put it at the 25-year life span.
5 One person who should know the real story
6 is engineering professor Richard T. Lahey, Jr., at the
7 Rensselaer Polytechnic Institute in Troy, New York.
8 Lahey once served in the nuclear Navy and later in the
9 1970s he helped design reactors for General Electric
10 Company. He oversaw safety research and development.
11 Lahey dismisses claims that reactors remain with no
12 particular life span. "These reactors were really
13 designed for a certain lifetime," he said.
14 Nuclear engineer Bill Corcoran who worked
15 for plant designer Combustion Engineering said
16 "certain features were specifically created with 40
17 years in mind, like the reactor vessel which holds the
18 radioactive fuel." He said, "Metals are calculated
19 to hold up against fatigue for that long." And those
20 comments are identified at page one and two of the
21 exhibit.
22 I would ask the Petition Review Board here
23 today to keep these comments in mind as we discuss
24 reactor embrittlement which is part of the instant
25 petition filed in this matter.

1 At this time, I would like to identify for
2 the record Petitioner's Exhibit 5 which is a news
3 article dated March 3, 2012 entitled "Japan
4 Acknowledges Nuclear Failings" by the Belfast
5 Telegraph World News Agency.
6 (Whereupon, the above-referred to document was marked
7 as Petitioner's Exhibit 5 for
8 identification.)
9 Japan's Prime Minister Yoshihiko Noda
10 acknowledged in a news article that "the government
11 failed in its response to the earthquake and tsunami
12 related to the Fukushima Daiichi nuclear accident."
13 And was quoted referring to the "myth of safety about
14 nuclear power." He stated, "We can no longer make the
15 excuse that was unpredictable and outside our
16 imagination has happened. Crisis management requires
17 us to imagine what may be outside of our imagination.
18 We can say in hindsight that the government, business,
19 and scholars had all been seeped in a myth of safety."
20 I would ask the PRB, Petition Review Board
21 here today to keep these comments in mind as we talk
22 later on about the embrittlement issue related to the
23 Palisades nuclear power plant.
24 Before I speak about the nuclear safety
25 issues in the instant petition, it is of paramount

1 importance for the NRC Petition Review Board to
2 realize just how pervasive the nuclear safety issues
3 are at the Palisades Nuclear Plant and that a very
4 poor safety culture has spread throughout the nuclear
5 plant which contributed to the violations cited by the
6 NRC. Indeed, leading up to the serious nuclear safety
7 violations described in the petition, the NRC found
8 that on January 25, 2012 and immediately effective
9 confirmatory order issued to Entergy Nuclear
10 Operations or Entergy to conform commitments made as a
11 result of an alternate dispute resolution, ADR
12 mediation session, held on December 12, 2011. This
13 enforcement action is based on a technical
14 specification apparent violation.
15 At the controls, the reactor operator left
16 the active control area of the control room without
17 providing a turnover to a qualified individual and
18 without obtaining permission from the control room
19 supervisor. On January 3, 2012, the NRC issued a
20 Notice of Violation to Entergy Nuclear Operations,
21 Inc. for a violation of Title X of the Code of Federal
22 Regulations, Part 50, Appendix B, criterion 5,
23 instructions, procedures, and drawings associated with
24 a White significance of determination process findings
25 involving Entergy's failure to prescribe maintenance

1 on the safety-related turbine driven auxiliary
2 feedwater pump, an activity affecting quality by
3 documenting instructions of a type appropriate to the
4 circumstances as well as a failure to accomplish the
5 maintenance in accordance with their procedure.
6 Specifically, on October 17, 2010, Procedure FWS-M-6
7 auxiliary feedwater turbine maintenance failed to
8 prescribe instructions on wear conditions of the knife
9 edge and latch plate or to replace the trip spring,
10 although these inspections and replacements had been
11 identified as necessary by the turbine vendor.
12 Palisades personnel also failed to perform
13 a step in the surveillance procedure which required
14 lubricating a pin and inspect grease on the knife's
15 edge of the mechanical overspeed/manual trip
16 mechanism. These deficiencies resulted in the
17 turbine-driven auxiliary feedwater pump being
18 inoperable from October 29, 2010 to May 11, 2011. Now
19 mind you, that violation was cited in October of 2010
20 and it involves human error failure, failure to follow
21 procedures, violation of NRC regulations and
22 requirements, the very same violations cited recently
23 and as identified in the instant petition.
24 On January 20, 2010, a Notice of Violation
25 was issued to Entergy Nuclear Operations, Inc. for a

1 violation associated with a White significance
2 determination finding as a result of inspections at
3 the Palisades Nuclear Plant. This White finding
4 involved a licensee's failure to meet the requirements
5 of technical specification, TS, for fuel storage in
6 the spent fuel pool, SFP. Specifically, Region 1
7 spent fuel storage rack neutron absorber had
8 deteriorated over the life of the plant and was less
9 than required by technical specifications. Corrective
10 actions are currently in place for additional controls
11 of the spent fuel.
12 On January 30, 2009, a Notice of Violation
13 was issued for a violation associated with a White
14 significance determination finding involving a
15 violation of 10 CFR 20.1501 which requires the
16 performance of surveys' evaluations necessary for the
17 licensee to comply with regulations in Part 20. The
18 violation involved a failure to evaluate radiological
19 hazards and to assess those to workers that handle
20 tools used for reconstituting failed fuel during work
21 on refueling -- on the refueling floor in October 2007
22 as required by 10 CFR 20.1501 to demonstrate
23 compliance with dose limits of 20.1201. As
24 can be seen, each of the prior cited nuclear safety
25 violations by the NRC against the Palisades Nuclear

1 Plant involved human error and a failed overall safety
2 culture at the facility.
3 With respect to the recent violations
4 described in the instant petition, the NRC held a
5 regulatory conference with the licensee on January 11,
6 2012 to discuss the views of the licensee on each of
7 the cited violations. During the conference, the
8 licensee attributed the root cause of the loss of DC
9 bus to an organizational issue which senior Entergy
10 management had not established a sufficiently
11 sensitive culture of risk recognition and management
12 which resulted in Palisades' employees not recognizing
13 the industrial safety and plant operational risk
14 involved with ED-11-2 breaker maintenance. The
15 licensee attributed the root cause of the failure of
16 the service water pump, P-7C, coupling, to be a design
17 failure in that the licensee failure to recognize the
18 pump coupling procurement specification did not ensure
19 all critical material test requirements for use in the
20 service water operating environment. The licensee
21 communicated that the NRC's risk assessment was overly
22 conservative in assessing the risk significance of
23 both issues.
24 The licensee concluded that the loss of DC
25 bus issue was best characterized as having a low to

1 moderate risk and that the service water coupling
2 issue was of very low safety significance. The
3 licensee stated that the operator action for
4 preventing challenge of the pressurized safety relief
5 valves was a simple trip of the operating charging
6 pumps and that the time available allowed for recovery
7 of failed attempts. The licensee stated that the
8 pressurizer's major relief valves were satisfactorily
9 tested for steam, transition and water relief as part
10 of actions taken following the 1979 Three Mile Island
11 event and that these tests supported the use of
12 generic failure rates.
13 The licensee stated that actions to
14 restore direct current DC power were simple and
15 straightforward, once the fouled condition was cleared
16 and there were two options to restore DC power and
17 that the total effective human error probability is
18 1E-2. The licensee stated that the auxiliary
19 feedwater pump, P-8A, remained available for manual
20 start from the control room. The licensee stated the
21 coupling failure events of the P-7C service water pump
22 were considered repeated independent failures of a
23 single component and that the events occurred too far
24 apart in time to have more than a negligible impact on
25 a common cause failure probability.

1 The licensee stated that the as found
2 condition of the service water pump, P-7A and P-7B
3 couplings, along with assumptions about the crack
4 growth in the service water pump couplings were used
5 to conclude that the failure probability of the P-7A
6 and P-7B pumps during the P-7C allowed outage time was
7 small and that the common cause term applied in the
8 IFE calculation was conservative. In a sense, the
9 licensee essentially is negating all of the NRC's
10 findings in the hopes of eliminating the enforcement
11 action.
12 The NRC responded to each of the
13 licensee's allegations as follows. The NRC did not
14 agree that the operator action to control pressurizer
15 level was a simple trip of the charging pumps. After
16 this specific event, the pressurizer level increased
17 to approximately 98 percent before the operators took
18 control and reduced charging flow. The NRC considered
19 the action of the control room level to be complex
20 because of the difficulty controlling primary
21 temperatures, difficulty controlling secondary
22 pressure and the operator workload in performing
23 multiple concurrent tasks during the event, including
24 performing steps of emergency operating procedure, EOP
25 9.0. The time available to take effective mitigation

1 action was dependent on several parameters including
2 charging pump flow and auxiliary feed water flow and
3 the time to complete boration requirements specified
4 in the EOPs. The NRC staff concluded that the time
5 available would provide little additional margin for
6 recovery of failed attempts.
7 The NRC investigated the safety release
8 valve test conducted as part of the Three Mile Island
9 action plan and determined that the test did not
10 present sufficient data to establish the reliability
11 of the valve under water relief conditions.
12 Specifically, of 31 tests, only 5 water tests were
13 conducted for the model of the valve used by Palisades
14 and that one of these 5 tests was not successful.
15 The NRC agreed that the coupling failure events
16 occurred far apart in time, but determined that the
17 aspect was not enough to rule out potential common
18 cause failures for its performance deficiency.
19 When performing event or condition
20 analysis, NRC assesses the risk incurred not only in
21 the as-found conditions of the observed failure or
22 failures, but also more importantly the contribution
23 of potential events associated with the performance
24 efficiency that did not occur, but still represent a
25 risk to public health and safety. In other words,

1 when performing an STP event assessment, the NRC
2 assessment considers not only what actually happened,
3 but also what could have happened with respect to the
4 performance deficiency.
5 The NRC concluded that the finding for the
6 loss of DC bus was appropriately characterized as
7 Yellow finding having substantial safety significance.
8 The NRC concluded that the findings for the service
9 water pump, P-7C, was appropriately characterized as
10 White, a finding of low to moderate safety
11 significance. The NRC's review of Palisades
12 performance assessed the plant to be in a degraded
13 cornerstone column three of the NRC's action matrix as
14 of the fourth quarter of 2011.
15 The NRC informed the licensee that the
16 Agency planned to conduct supplemental inspections
17 using inspection procedure 95002 to provide assurance
18 that the root cause and contributing causes of risk
19 significant performance issues are understood, the
20 extent of condition and the extent of cause are
21 identified and the corrective actions are sufficient
22 to prevent recurrence.
23 In addition, the NRC communicated to the
24 licensee that the procedure conducted to provide an
25 independent determination of whether safety culture

1 components caused or significantly contributed to the
2 risk-significant performance issues. And for the
3 record, I reference NRC February 14, 2012 letter to
4 Mr. Anthony Vitale, Vice President of Operations,
5 Entergy Nuclear Operations, Inc., Palisades Nuclear
6 Plant.
7 In review of the licensee's actions and
8 conduct during the enforcement conference, it is
9 patently clear that the licensee lacks the requisite
10 knowledge and skills about the operations of the
11 Palisades Nuclear Plant required to safely operate the
12 nuclear plant in full compliance with NRC regulations
13 and requirements under 10 CFR Part 50 and under other
14 NRC authority. As stated in the instant petition, the
15 NRC safety culture policy statement defines nuclear
16 safety culture as the core values and behaviors
17 resulting from a collective commitment by leaders and
18 individuals to emphasize safety over competing goals
19 to ensure protection of people and the environment.
20 The NRC safety culture policy statement,
21 including the definition and traits of a positive
22 safety culture, provides the NRC's expectation that
23 individuals and organizations performing regulated
24 activities establish and maintain a positive safety
25 culture commensurate with safety and security

1 significance of their activities in the nature and
2 complexity of organizations and functions.
3 Notably, during the D11-2 panel electrical
4 fault, an on-duty senior reactor operator recognized a
5 potential risk in the loss of the ED-11-2, but the
6 required risk assessment model was not run for the
7 loss of the ED-11-2 bus. During emergency actions
8 taken by the licensee operations personnel, the
9 reactor operators encountered additional complications
10 including one, a rise in containment sump level with
11 an increasing unidentified primary coolant system leak
12 rate of less than ten gallons per minute that was
13 later determined to be from the actuation of a
14 chemical and volume control system relief valve in
15 containment. And two, increasing PCS level in the
16 pressurizer had reached a maximum of 98 percent
17 meaning that the PCS was approximately 9 minutes from
18 being placed in a solid condition. And three,
19 increasing steam generator A level which reached
20 approximately 98 percent. And four, the actuation of
21 suction and discharge pressure relief valves were the
22 charging pumps which displaced volume control tanks
23 water into the charging pump cubicles located in the
24 auxiliary building. This particular event could have
25 resulted in a breach of the primary reactor coolant

1 system, commonly known as a loss of coolant accident
2 or LOCA, either by a break in one of the RCS hot legs
3 or cold legs or an outright failure of the very
4 brittle reactor vessel. A loss of coolant
5 action through any of these scenarios would result in
6 a Fukushima Daiichi-type meltdown of the nuclear fuel
7 inside the reactor vessel.
8 As with the Fukushima nuclear accident,
9 huge amounts of hydrogen would have been released from
10 the primary water in the reactor vessel and cause a
11 significant explosion of the entire containment
12 building, similar to the Fukushima nuclear plant
13 explosions. Here, the NRC must properly review the
14 entirety of the licensee's history of violations over
15 the years, significant and serious violations of NRC
16 regulations and requirements during licensed
17 operations at the Palisades Nuclear Plant.
18 In the Petition Review Board's
19 consideration of the escalated enforcement action
20 sought in the instant petition, notably the licensee
21 has been cited over the years dating back to 2009 and
22 beyond for serious violations of NRC safety
23 regulations and requirements in connection with
24 license operations at the Palisades Nuclear Plant.
25 However, since 2009, the NRC has failed to levy even

1 one monetary fine against the plant operator.
2 Instead, the Agency simply issued written notices of
3 violations without monetary penalties attached. Such
4 enforcement action on the part of the NRC has failed
5 to deter the licensee from correcting cited
6 performance issues and has resulted in further
7 degraded performance on the part of the licensee at
8 the Palisades Nuclear Plant as acknowledged by the NRC
9 earlier this year.
10 The NRC has full authority under the
11 Atomic Energy Act of 1954 and under 10 CFR Part 50,
12 and under other NRC authority to levy stiff and
13 meaningful monetary fines to licensees like Palisades
14 Nuclear Plant for repeatedly violating NRC safety
15 regulations and requirements during licensed
16 operations. The NRC was given the authority to levy
17 such monetary fines by the United States Congress to
18 provide the NRC with means to accomplish its mission
19 to protect public health and safety.
20 Notably, the NRC has acted swiftly and
21 decisively in levying stiff monetary fines and
22 penalties to other nuclear plant operators for similar
23 safety violations, but not in the case of the
24 Palisades Nuclear Plant.
25 The instant petition requests that the NRC

1 take escalated enforcement action against the licensee
2 by issuing a civil monetary penalty to the licensee in
3 the total amount of $1 million to ensure for the
4 protection of the public health and safety in these
5 circumstances. The amount of the requested civil
6 penalty is appropriate and required to dissuade the
7 licensee from continuing licensed activities at the
8 Palisades Nuclear Plant which are in violation of NRC
9 regulations and requirements under 10 CFR Part 50.
10 In addition to the other enforcement
11 actions described at page three of the instant
12 petition, the NRC is requested to require the licensee
13 to have an independent entity conduct a human
14 performance profile on each licensee employee
15 including all levels of management to enable the
16 licensee and the NRC to ascertain and/or predict
17 problem areas in need of attention before they result
18 in further violations of NRC regulations and
19 requirements under 10 CFR Part 50. Such profiles are
20 a common and regular practice by the Federal Bureau of
21 Investigation, FBI, in the regular course of criminal
22 investigations to protect public health and safety.
23 In the case of the Palisades Nuclear
24 Plant, every serious nuclear safety violation cited by
25 the NRC can be directly linked to a human performance

1 issue and to a failed safety culture by requiring the
2 licensee to have every employee profiled. The NRC
3 will have better oversight and regulation of the
4 Palisades Nuclear Plant because the collective profile
5 will clearly illustrate a pattern of problems related
6 to safety culture, performance, attitudes, training,
7 skills, job knowledge, etcetera.
8 Over the years, the NRC Reactor Oversight
9 Program has dubiously failed to prevent continuing
10 degraded performance of the Palisades Nuclear Plant
11 because the reactor oversight process is an after the
12 fact, passive program that addresses nuclear safety
13 violations after they have already occurred. Thus,
14 requiring the licensee to profile its employees will
15 greatly assist the NRC in its mission to protect
16 public health and safety by identifying problems
17 before they become nuclear safety violations which
18 could jeopardize public health and safety.
19 Lastly, I want to address the serious
20 nuclear safety issue of the very brittle nuclear
21 reactor vessel at the Palisades Nuclear Plant.
22 CHAIRMAN HOWE: Mr. SAPORITO?
23 MR. SAPORITO: Yes.
24 CHAIRMAN HOWE: I just wanted to do a time
25 check with you. It's close to 3 o'clock. About how

1 much longer will your comments be?

2 MR. SAPORITO: Probably about ten minutes.

3 I understood through my communications with the NRC

4 that I would be given an hour for my presentation.

5 CHAIRMAN HOWE: Okay, all right. Is

6 everybody here available until 10 after 3 today?

7 MR. GIESSNER: This is the region, we're

8 good.

9 MR. CHAWLA: Okay, continue, please.

10 CHAIRMAN HOWE: Please continue.

11 MR. SAPORITO: Okay. Lastly, I want to

12 address the serious nuclear safety issue of the very

13 brittle nuclear reactor vessel of Palisades Nuclear

14 Plant related to pressurized thermal shock.

15 Pressurized thermal shock or PTS events are system

16 transients in a pressurized water reactor or PWR in

17 which severe over cooling occurs coincident with high

18 pressure. The thermal stresses are caused by rapid

19 cooling of the reactor vessel inside surface combined

20 with the stresses caused by high pressure. The

21 aggregate effect of these stresses is an increase and

22 a potential for fracture if a pre-existing flaw is

23 present in a material susceptible to brittle failure.

24 The ferric low alloy steel of the reactor vessel belt

25 line adjacent to the core where neutron radiation

1 gradually embrittles the material over the lifetime of
2 the plant can be susceptible to brittle fracture.
3 The NRC and the licensee are fully aware
4 that the metal comprising the nuclear reactor vessel
5 has become very brittle over the operating life of the
6 Palisades Nuclear Plant and in fact, it's the most
7 brittle nuclear reactor vessel in the United States.
8 As stated earlier, the NRC has relaxed nuclear safety
9 margins with respect to reactor vessel embrittlement
10 over the years allowing very old nuclear reactors to
11 continue operating well beyond their 40-year safety
12 design basis.
13 Based on information and belief, it
14 appears that the Palisades Nuclear Plant vessel has
15 sustained radiation damage through neutron bombardment
16 over the life of the nuclear reactor to date beyond
17 the safety margins allowed by the NRC under 10 CFR
18 Part 50. And that the nuclear reactor vessel is
19 dangerously brittle and would likely crack and/or
20 shatter during emergency core cooling operations in
21 connection with pressurized thermal shock during such
22 an event.
23 The resultant loss of cooling accident
24 would cause a complete and uncontrolled core meltdown
25 and a significant release of high level radioactive

1 particles into the environment endangering people and
2 the environment. Although the licensee has alleged to
3 the NRC that the metal in the nuclear reactor vessel
4 is not brittle beyond NRC regulations and
5 requirements, under 10 CFR Part 50, the licensee's
6 allegations appear to be based solely on alleged non-
7 destructive testing, representative samples of metal
8 used in the construction of the Palisades Nuclear
9 Plant vessel.
10 However, the licensee's use of
11 nondestructive testing procedures is not sufficient to
12 properly ascertain the degree of embrittlement of the
13 Palisades Nuclear Plant vessel. The NRC should
14 require the licensee to conduct destructive testing of
15 the actual metal of the reactor vessel. Notably, the
16 alleged representative metal samples tested by the
17 licensee are not exposed to the same stresses as the
18 actual metal comprising the Palisades Nuclear Plant
19 vessel because the alleged representative metal
20 samples are not actually part of the reactor vessel,
21 but merely placed within a nuclear reactor vessel.
22 Therefore, under a pressurized thermal shock scenario,
23 the metal in a nuclear reactor vessel at the Palisades
24 Nuclear Plant may not be able to withstand such a
25 challenge because of the high degree of embrittlement

1 that the metal in a reactor vessel has sustained to
2 date.
3 To the extent that the NRC has
4 acknowledged the Palisades Nuclear Plant has the most
5 embrittled nuclear reactor vessel in the United
6 States, the NRC should require the licensee to conduct
7 destructive testing of the actual metal comprising the
8 nuclear reactor vessel to establish a proper and
9 accurate baseline of embrittlement to protect the
10 public health and safety. And before I conclude, I
11 want to repeat for the benefit of the Petition Review
12 Board the comments of Japan's Prime Minister that was
13 identified in Petitioner's Exhibit 5 when he was
14 quoted as saying "We can no longer make the excuse
15 that what was unpredictable and outside our
16 imagination has happened. Crisis management requires
17 us to imagine what may be outside our imagination."
18 And here is what the NRC must think
19 outside the box. You have to imagine what you would
20 not have imagined after the reactor vessel at
21 Palisades Nuclear Plant under pressurized thermal
22 shock scenario during emergency core cooling
23 procedures would crack and/or shatter and result in a
24 LOCA and a significant release of radioactive
25 particles into the environment which harms the public

1 and the environment for decades.

2 This concludes my presentation to the NRC

3 Petition Review Board. I will remain on the phone to

4 answer any questions from the NRC or the licensee at

5 this time.

6 CHAIRMAN HOWE: Okay, thank you. At this

7 time I want to open it up and see if there's any

8 questions from the staff here at headquarters for Mr.

9 Saporito.

10 What about the region?

11 MR. GIESSNER: This is Jack Giessner from

12 the region. I have no clarifying questions.

13 CHAIRMAN HOWE: Any questions from the

14 licensee?

15 MR. KUEMIN: I have no questions. This is

16 Jim Kuemin, Palisades.

17 CHAIRMAN HOWE: Thank you. All right, I

18 think when we checked in we didn't have any members of

19 the public identified. Let me just check again. Are

20 there any members of the public that have any

21 questions at this point in time?

22 MR. STEVES: This is John Steves. I am a

23 member of the public, but I have no questions.

24 CHAIRMAN HOWE: John, do you have any

25 comments?

1 MR. STEVES: Living ten miles south of the
2 Palisades plant that situation is very scary to me.
3 And I certainly hope that the NRC addresses the issues
4 that this man has brought up today.
5 MR. CHAWLA: Could you spell your name for
6 the court reporter to document it properly?
7 MR. STEVE'S: Sure. It's John, J-O-H-N,
8 Steve's, S-T-E V as in Victor E-S.
9 CHAIRMAN HOWE: Okay, any other comments
10 or questions from anyone on the phone?
11 (Pause.)
12 All right, Mr. Saporito, I want to thank
13 you for taking time to provide the NRC staff with
14 clarifying information on the petition that you have
15 submitted.
16 I'd like to before I do close I would like
17 to check with the court reporter, do you need any
18 information for the meeting transcript at this time?
19 COURT REPORTER: This is the court
20 reporter. I do not need any information at this time.
21 CHAIRMAN HOWE: Okay, thank you. And I
22 want to thank everybody for their time and with that
23 we'll conclude this meeting.
24 (Whereupon, at 3:06 p.m., the meeting was
25 concluded.)

1