

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition RE
 Fort Calhoun Nuclear Station

Docket Number: (n/a)

Location: (conference)

Date: Monday, August 27, 2012

Work Order No.: NRC-1836

Pages 1-42

“Corrected Transcript: Corrections denoted within brackets []”

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

FORT CALHOUN NUCLEAR GENERATING STATION

+ + + + +

MONDAY

AUGUST 27, 2012

+ + + + +

The conference call was held, Timothy McGinty,
Chairperson of the Petition Review Board, presiding.

PETITIONER: WALLACE TAYLOR

CO-PETITIONER: LYNN MOORER

PETITION REVIEW BOARD MEMBERS

TIMOTHY MCGINTY, Office of Nuclear Reactor Regulation,

Division of Policy and Rulemaking

LYNNEA WILKINS, Petition Manager for 2.206 petition

ANDREA RUSSELL, PRB Coordinator

CHRISTOPHER CAUFFMAN, Office of Nuclear Reactor

Regulation, Reactor Inspection Branch

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1 MICHAEL BALAZIK, Office of Nuclear Reactor Regulation,
2 Performance Assessment Branch

3 JOHN KIRKLAND, Senior Resident Inspector at Fort
4 Calhoun Station, NRC Region 4 Division of
5 Reactor Projects Branch

6 PATRICIA JEHLE, Office of the General Counsel

7
8 NRC HEADQUARTERS STAFF

9 JENNIVINE RANKIN, Division of Operating Reactor
10 Licensing

11 MIKE MARKLEY, Division of Operating Reactor Licensing

12
13 ALSO PRESENT:

14 PAMELA DALY

15 MIKE CARBERRY

16 MIKE RYAN

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P R O C E E D I N G S

2:01 P.M.

1
2
3 MS. WILKINS: First, I would like to thank
4 everyone for attending this meeting. My name is Lynnea
5 Wilkins and I am the Project Manager for
6 Fort Calhoun Station.

7 We are here today to allow the Petitioner,
8 Mr. Wallace Taylor, to address the PRB, the Petition
9 Review Board, regarding the 2.206 petition dated June 21,
10 2012.

11 I'm getting a little feedback. Could
12 everyone mute their phones?

13 PETITIONER TAYLOR: There is feedback
14 here, too.

15 MS. WILKINS: The Petition Review Board
16 Chairman is Tim McGinty. As far as the PRB's review of
17 the petition, Mr. Wallace Taylor has requested this
18 opportunity to address the PRB.

19 This meeting is scheduled from 2 to 3
20 o'clock p.m. Eastern. The meeting is being recorded by
21 the NRC Op Center and will be transcribed by a court
22 reporter. The transcript will become a supplement to
23 the petition. The transcript will also be made publicly
24 available.

25 I'd like to open this meeting with

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1 introductions. As you go around the room here, please
2 make sure to clearly state your name, your position, and
3 the office that you work for within the NRC for the
4 record.

5 Again, I'm Lynnea Wilkins and I am in the
6 Division of Operating Reactor Licensing.

7 CHAIR MCGINTY: I am Tim McGinty. I'm in
8 NRR, the Division of Policy and Rulemaking. I'm the
9 Director of that.

10 MR. CAUFFMAN: Chris Cauffman, Nuclear
11 Reactor Regulation, Reactor Inspection Branch.

12 MR. BALAZIK: My name is Mike Balazik,
13 Office of Nuclear Reactor Regulation from the
14 Performance Assessment Branch.

15 MS. RUSSELL: Andrea Russell, 2.206
16 Coordinator in NRR.

17 MS. JEHLE: Patricia Jehle, attorney with
18 the Office of the General Counsel.

19 MS. RANKIN: Jennivine Rankin, Division of
20 Operating Reactor Licensing.

21 MS. WILKINS: We have completed
22 introductions here at the NRC Headquarters. At this
23 time are there any NRC participants from Headquarters on
24 the phone?

25 Hearing none, are there any NRC

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1 participants from the Regional Office on the phone?

2 MR. KIRKLAND: This is John Kirkland. I'm
3 the Senior Resident Inspector with the NRC in Region 4,
4 stationed at Fort Calhoun.

5 MS. WILKINS: Thanks, John. Are there any
6 representatives for the licensee on the phone?

7 MS. BAUGHN: This is Susan Baughn, Fort
8 Calhoun, Station Manager of Licensing.

9 MS. WILKINS: Mr. Taylor, would you please
10 introduce yourself and any other presenters for the
11 record?

12 Mr. Taylor?

13 PETITIONER TAYLOR: I forgot to unmute.
14 This is Wallace Taylor. I'm legal counsel for the Iowa
15 Chapter of the Sierra Club. With me is Lynn Moorner, an
16 attorney from Lincoln, Nebraska who will be making
17 comments also.

18 MS. WILKINS: Thank you. We've had
19 another addition here in the room. Would you like to
20 introduce yourself?

21 MR. MARKLEY: Mike Markley, I'm the Chief
22 of Plant Licensing Branch in the Division of Operating
23 Reactor Licensing, NRR.

24 MS. WILKINS: Thank you. It is not
25 required for members of the public to introduce

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

4 MS. DALY: Pamela Daly.

5 MS. WILKINS: I'm sorry, could you repeat
6 that?

7 MS. DALY: Pamela Daly.

8 MS. WILKINS: Thank you.

9 MR. CARBERRY: Mike Carberry, Iowa Sierra
10 Club.

11 MR. RYAN: Mike Ryan, Omaha, Nebraska with
12 Clean Citizens Leading Environmental Action in Nebraska.

13 MS. WILKINS: Is there anyone else? Okay,
14 thank you.

15 I'd like to emphasize that we each need to
16 speak clearly and loudly to make sure that the court
17 reporter can accurately transcribe this meeting. If you
18 do have something that you would like to say, please first
19 state your name for the record. For those dialing into
20 the meeting, please remember to mute your phones to
21 minimize any background noise or distractions.

22 If you do not have a mute button, this can
23 be done by pressing the *6 key and to unmute, press the
24 *6 key again. Thank you.

25 At this time, I'll turn it over to the PRB

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1 Chairman, Tim McGinty.

2 CHAIR MCGINTY: Thanks, Lynnea. Good
3 afternoon. Welcome to this meeting regarding the 2.206
4 petition submitted by Mr. Taylor.

5 I'd like to first share some background on
6 our process. Section 2.206 of Title 10 of the Code of
7 Federal Regulations describes the petition process, the
8 primary mechanism for the public to request enforcement
9 action by the NRC in a public process.

10 This process permits anyone to petition NRC to take
11 enforcement-type action related to NRC licensees or
12 license activities.

13 Depending on the results of its evaluation,
14 NRC could modify, suspend, or revoke an NRC-issued
15 license or take any other appropriate enforcement action
16 to resolve a problem. The NRC staff's guidance for the
17 disposition of 2.206 petition requests in Management
18 Director 8.11 which is publicly available.

19 The purpose of today's meeting is to give
20 the Petitioner an opportunity to provide any additional
21 explanation or support for the petitions before the
22 Petition Review Board's initial consideration and
23 recommendations.

24 This meeting is not a hearing, nor is it an
25 opportunity for the Petitioner to request -- excuse me,

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1 to question or examine the PRB on the merits or the issues
2 presented in the petition request. No
3 decisions regarding the merits of these petitions will
4 be made at this meeting.

5 Following this meeting, the Petition Review
6 Board will conduct its internal deliberations. The
7 outcome of this internal meeting will be discussed with
8 the Petitioner.

9 The Petition Review Board typically
10 consists of a chairman, usually a manager at the Senior
11 Executive Service Level at the NRC. It has a Petition
12 Manager and a PRB Coordinator. Other members of the
13 Board are determined by the NRC's staff, based on the
14 content of the information in the petition request.

15 At this time, I'd like to introduce the
16 Board. I am Tim McGinty, the Petition Review Board
17 Chairman. Lynnea Wilkins is the Petition Manager for
18 the petition under discussion today. Andrea Russell is
19 the Office's PRB Coordinator. Our technical staff
20 includes Christopher Cauffman from the Office of Nuclear
21 Reactor Regulations, Reactor Inspection Branch; Michael
22 Balazik from the Office of Nuclear Reactor Regulations,
23 Performance Assessment Branch; John Kirkland, Senior
24 Resident Inspector at Fort Calhoun Station, NRC's Region
25 4, Division of Reactor Projects Branch. We also obtain

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1 advice from the Office of the General Counsel represented
2 by Patricia Jehle.

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

8 I'd like to summarize the scope of the
9 petitions under consideration and the NRC activities to
10 date. On June 21, 2012, Mr. Taylor submitted to the NRC
11 a petition under 2.206 regarding his concerns with the
12 adequacy of the management and operation of Fort Calhoun
13 Station. In this petition request, Mr. Taylor
14 identified the following areas of concern: Mr. Taylor
15 requested that the NRC revoke Omaha Public Power
16 District's license to operate Fort Calhoun Station. As
17 the basis for this request, Mr. Taylor states, in short,
18 that since at least 1992, Omaha Public Power District has
19 been unable and unwilling to operate Fort Calhoun
20 properly and safely. It states that "OPPD" which is an
21 acronym for Omaha Public Power District "has failed to
22 correct problems that were identified years ago and has
23 resisted directives from the NRC regarding safety
24 violations."

25 The Petitioner is concerned that there is

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1 no likelihood that OPPD will ever be able to or willing
2 to operate Fort Calhoun properly and safely.

3 Allow me to discuss the NRC activities to date.
4 On July 12, 2012, the Petition Manager contacted the
5 Petitioner to discuss the 10 CFR 2.206 process and to
6 offer the Petitioner an opportunity to address the PRB
7 by phone or in person. The Petitioner requested to
8 address the PRB by phone which is the purpose of today's
9 call, prior to the PRB internal meeting to make the
10 initial recommendations to accept or reject the
11 petitions for review.

12 As a reminder for the phone participants,
13 please identify yourself if you make any remarks as this
14 will help us in the preparation of the meeting's
15 transcript that will be made publicly available. Thank
16 you.

17 Mr. Taylor, at this point, I'll turn it over
18 to you to allow you to provide any information you believe
19 the PRB should consider as part of these petitions. Ms.
20 Moorer can present her information after you have
21 completed your presentation.

22 PETITIONER TAYLOR: Thank you very much.
23 I appreciate the opportunity to make this presentation
24 to you in support of the petition.

25 As you mentioned, the petition was filed on

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1 June 21st asking to revoke the Fort Calhoun license
2 because of a long history of problems at the plant. A
3 few points of background that might get us off to a good
4 start, Fort Calhoun is a 478.6 megawatt Pressurized Water
5 Reactor licensed in 1973 and operated by OPPD. The
6 license was renewed in 2003.

7 Fort Calhoun was initially shut down on
8 April 9th of 2011 for scheduled refueling. Then while
9 the plant was shut down for refueling, the Missouri river
10 on June 6, 2011 flooded and surrounded the plant with
11 flood water and OPPD issued a Notification of Unusual
12 Event due to that flooding.

13 Then the next day, June 7th, while the plant
14 was shut down and surrounded by flood water, they had a
15 catastrophic fire in the west switchgear room. We'll
16 talk more in detail about that as we go along.

17 Then after the flood waters receded and
18 inspection was accomplished or at least started, the NRC
19 issued a Confirmatory Action Letter to OPPD on September
20 2, 2011. The plant remained shut down because further
21 inspection led the NRC to place Fort Calhoun on the 0350
22 status for further investigation and monitoring. And
23 that's the status in which it still remains.

24 As I said, Fort Calhoun came to public
25 attention in June of 2011 when it was surrounded by flood

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1 water from the Missouri River. The plant sits right on
2 the edge of the river across the river from Missouri
3 Valley, Iowa. The Iowa Sierra Club felt that this
4 situation affected the safety of the plant and the people
5 in western Iowa. So we decided to take a look at the
6 situation. As I attended meetings conducted by the NRC
7 in the Omaha area and did more investigation, it became
8 obvious that there were significant problems at Fort
9 Calhoun in addition to the flooding.

10 As set out in our petition, there's a
11 history of violations and unwillingness by OPPD to
12 operate the plant properly. These are not just isolated
13 incidents, but rather they show a pattern and practice
14 by OPPD of ignoring or even refusing in some cases to
15 address these violations. We submitted a summary of the
16 more serious problems through the years at Fort Calhoun
17 to Ms. Wilkins last week. I understand that the Board
18 members have that summary for your review and I hope you
19 do take a look at that and look at the problems that the
20 plant has had over the years.

21 Although this hearing is about OPPD's
22 operation of the Fort Calhoun plant, I want to make clear
23 that the recent proposal by OPPD to hire Exelon to operate
24 the plant does not eliminate our concerns. Our concerns
25 about Exelon will be documented and discussed in an

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1 additional hearing later as I have discussed with Ms.
2 Wilkins.

3 I had asked that this hearing be postponed
4 so we could further find out exactly what the agreement
5 is between Exelon and OPPD and to research Exelon's
6 history a little more and Ms. Wilkins indicated to me that
7 since this hearing had been set up, we would proceed,
8 focused on OPPD, but that we could have a hearing later
9 on regarding the recent development regarding Exelon.

10 Preliminary investigation reveals that
11 Exelon does have a history of problems in operating its
12 fleet of nuclear plants. Also, the public information
13 about the agreement between OPPD and Exelon is that OPPD
14 would still own and be responsible for operation of the
15 plant and would still be calling the shots, so to speak.
16 It would just be turning the day-to-day management over
17 to Exelon.

18 Now regarding OPPD's history of operating
19 the plant, we note that as early as 1992 there were
20 problems. At that time, an electrical malfunction led
21 to the loss of 25,000 gallons of reactor coolant. An
22 OPPD employee who was writing in the company newsletter
23 at that time, who was apparently an engineer or some sort
24 of management employee, wrote that "the Fort Calhoun
25 Station had hit the other side of the bathtub curve."

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1 And I'm sure you're aware, the bathtub curve is a graph
2 that's used to show that a nuclear plant in its first
3 years has some problems to work out and the reliability
4 goes down. That's the near side of the bathtub curve
5 going down. And then for a period of time it flattens
6 out and is fairly static, that's the bottom of the
7 bathtub. And then as it goes on and has more problems
8 and reaches the end of its life, the bathtub curve goes
9 up again with more reliability problems. Even back in
10 1992, OPPD was saying that the plant had reached that far
11 side of the bathtub curve and that was 20 years ago.

12 Regarding the flood aspect, prior to the
13 flood, OPPD had received repeated warnings about
14 inadequate flood protection at the plant. In 2003, the
15 Corps of Engineers warned OPPD of the dangers of flooding
16 to the Fort Calhoun plant and that the plant was not ready
17 for such an event. OPPD apparently did nothing
18 in response to that warning.

19 In 2010, the NRC cited OPPD for a violation
20 of inadequate flood protection procedures. This
21 resulted in a yellow significance determination, yellow
22 being the second highest degree of seriousness for safety
23 and reliability problems. And this is discussed in our
24 summary of incidents in a little more detail.

25 Then in 2011, the NRC again determined that

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1 OPPD had not adequately prepared Fort Calhoun for flood
2 events. This was in very early 2011. OPPD's response
3 in a letter dated March 4, 2011 was that "flooding at Fort
4 Calhoun was highly unlikely" and therefore requested
5 that the NRC not impose flood safety requirements. OPPD
6 just sort of ignored the warnings it had been given by
7 the Corps of Engineers and by the NRC and in fact,
8 resisted doing anything about them. Finally, OPPD
9 backed down and began to do some flood protection work.

10 Then, of course, the June 2011 flood came
11 and we saw all the problems resulting from that.

12 In a post-flood Event Report submitted by
13 OPPD on March 1, 2012, OPPD identified inadequate
14 flooding protection due to ineffective oversight which
15 is what everybody was telling them to begin with.
16 Specifically, the root causes of the inadequate flood
17 protection were, number one, a weak procedure revision
18 process. In other words, they had no plans or process
19 to revise their flood protection procedures. It just
20 wasn't on their radar.

21 Number two, insufficient oversight of work
22 activities associated with external flood matters. So
23 they weren't paying attention. There was no oversight
24 of any work regarding external flood matters.

25 Number three, ineffective identification,

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1 evaluation, and resolution of performance deficiencies
2 related to external flooding. Again, they weren't
3 paying any attention. They weren't looking for any
4 problems. In fact, as we've seen, they were ignoring or
5 resisting any problems.

6 And finally, four, and this really tells a
7 story that OPPD had a quote, safe as is, quote, mindset
8 relative to external flooding events. So as far as they
9 were concerned it was safe as is and that was their
10 mindset. That was their culture. And we see what
11 happened.

12 Then while Fort Calhoun was surrounded by
13 flood water in June of 2011, a fire occurred inside the
14 plant. The fire was caused by a short circuit in a
15 circuit breaker in the plant and this was described as
16 an catastrophic event. According to a letter from David
17 Bannister of OPPD to the NRC on May 24, 2012, he said "the
18 cause of the fire was that when new circuit breakers were
19 installed in 2009, the new circuit breakers did not fit
20 the receptacles that they were supposed to go into." But
21 in complete defiance of the situation, OPPD workers
22 shoved the new circuit breakers into the receptacles
23 anyway, even though they didn't fit. And because of
24 that, the contacts of the circuit breakers did not line
25 up or they did not touch and the fire was not an accident.

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1 It was caused by what can fairly be described as gross
2 negligence by OPPD.

3 Then because of the increased and
4 intensified inspection by the NRC after the flood, the
5 two inspection reports, well, more than that but two that
6 I want to focus on, one on November 14, 2011, several
7 violations of NRC regulations were found. There was a
8 failure to incorporate design information into the
9 procedures for operation of the component cooling water
10 system. And also failure to have adequate instructions,
11 procedures, or drawings including appropriate
12 quantitative or qualitative acceptance criteria to
13 ensure they can detect reactor coolant leakage. This
14 violation occurred from November 21, 2008 until April 14,
15 2009, but was not corrected by OPPD prior to the
16 post-flood inspection.

17 And finally, failure to identify or correct
18 a condition adverse to quality, specifically the
19 calibration of the load weighing system for a crane prior
20 to its use in lifting the spent fuel transfer cask loaded
21 with spent fuel out of the fuel pool. This apparently
22 occurred on July 7, 2009, but was not reported by OPPD
23 and was not discovered by the NRC until the post-flood
24 inspection. This situation adversely impacted the
25 spent fuel pool and handling attributes of the barrier

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1 integrity cornerstone objective of providing reasonable
2 assurance that physical design barriers protect the
3 public from radionuclide releases caused by accidents or
4 events. So that was a real safety problem.

5 Then the next inspection report I want to
6 pinpoint is on February 14, 2012, several more violations
7 were discovered. Failure to follow a procedure for
8 placing a reactor coolant system level monitors into
9 service, this failure resulted in the draining of
10 approximately 1800 gallons of reactant coolant through
11 the reactor coolant drain tank. This problem could have
12 led to a complete loss of reactor coolant inventory.

13 Next, failure to perform testing and
14 evaluation of safety-related heat exchangers in
15 accordance with written procedures. This affected the
16 ability of systems to respond to initiating events to
17 prevent core damage.

18 Next, failure to follow procedures
19 requiring workers to comply with radiological work
20 permit instructions. This violation affected the
21 objective of ensuring adequate protection of worker
22 health and safety from exposure to radiation during
23 routine operations.

24 And finally, failure to develop and put into
25 place guidelines for the choice of protective actions

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1 during an emergency that implemented federal guidance.
2 This failure allowed the subsequent removal of
3 recommendations to evacuate members of the public during
4 a radiological emergency.

5 These inspections show in the entire 0350
6 process, as demonstrated, that there were many failures
7 by OPPD in operating Fort Calhoun that came very close
8 to causing serious problems. In fact, if the plant had
9 been shut down, I really wonder what the implications
10 would have been. It is only by sheer luck that nothing
11 tragic did happen. OPPD should not be allowed to
12 gamble with public safety and the environment.

13 And as further post-flood inspection is
14 performed, more long-standing problems that OPPD has
15 failed to address are revealed. Some of these problems
16 go back as far as 39 years, virtually as long as Fort
17 Calhoun has been in operation. Lynn Moorer
18 will follow my presentation with a more detailed
19 discussion of some of these long-standing problems.

20 So I want to emphasize that our petition is
21 not just about the flood of June 2011. It is about OPPD's
22 long history of inability and unwillingness to operate
23 Fort Calhoun safely and properly. I also want to
24 emphasize again that the proposed transfer of operation
25 of Fort Calhoun to Exelon does not solve the problem. It

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1 does, however, clearly prove that OPPD admits that it
2 cannot operate Fort Calhoun. In fact, OPPD Board member
3 John Green stated publicly that "OPPD was not going to
4 be able to open the plant without transferring operation
5 to Exelon." OPPD by its own admission, has
6 substantiated the basis of our petition that they are not
7 able or willing to continue to operate Fort Calhoun.

8 The final issue I want to address is the
9 implications of revoking the license for Fort Calhoun.
10 Although it's not specifically in your focus to think
11 about what are the consequences if it's closed, I'm sure
12 that we all do have that in the back of our minds. And
13 I want to assure the Board that OPPD's customers will not
14 be without power if the plant ceases to operate. OPPD
15 has excess capacity. For over a year and a half, Fort
16 Calhoun has been shut down with no adverse consequences.

17 At the July 17th hearing, in Omaha,
18 conducted by the NRC, Gary Gates, OPPD president said
19 they have been able to supply all of the needed power to
20 their customers with no adverse effect on rate payers.
21 But more importantly, OPPD can and should transition to
22 clean and renewable energy, primarily wind power.
23 Nebraska is the fourth-best state in the country for wind
24 resources, but Nebraska has practically no wind
25 generation. Wind energy would be a much better source

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1 of energy for OPPD on several levels than try to depend
2 on a troubled nuclear plant.

3 As we've seen, this plant has had numerous
4 troubles over the years, whether or not even the NRC
5 inspection and guidance under the 0350 process, whether
6 it can really be started again with the assurance that
7 it can be operated safely and properly. It seems a much
8 better proposal to look at alternative sources of energy
9 for OPPD.

10 The 2.206 petition can be revoked by the NRC
11 under its enforcement policy for a number of reasons,
12 including when a licensee is unable or unwilling to
13 comply with NRC requirements, or when a licensee refuses
14 to correct a violation. I think we've seen from the
15 facts in this case that that's exactly what the situation
16 here is at Fort Calhoun. And as I've said, we think
17 Exelon is not the answer and we certainly appreciate your
18 willingness to let us have a further hearing on those
19 issues after we develop the facts.

20 I want to thank the Board for allowing us
21 to discuss our petition with you. As I said, we do want
22 the opportunity for a further hearing to discuss the
23 issues presented by the recent agreement between OPPD and
24 Exelon.

25 With respect to the record of this hearing,

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1 we request that the summary of incidents we submitted
2 last week be a part of the record and that all of the
3 documents referenced in that summary be part of the
4 record.

5 We also request that the record of this
6 hearing be kept open until September 4th so we can
7 document any matters that have come up at this hearing
8 or that you may have questions about that we can supply
9 answers for.

10 At this point, I'll turn it over to Ms.
11 Moorer and then perhaps I can have a couple of minutes
12 after she finishes to make some final comments.

13 CO-PETITIONER MOORER: This is Lynn
14 Moorer. Thank you for this opportunity to present
15 evidence.

16 When looking at the bigger picture of OPPD's
17 operation at Fort Calhoun, a pattern and practice
18 emerges. What is evident is both poor decision making,
19 as well as deep-seated cluelessness, to use non-legal
20 terms. This is demonstrated by an extensive record of
21 long-standing failure to take appropriate corrective
22 actions to address known problems. It's also
23 demonstrated by a clear record of failure to establish
24 and use inspection and other investigative procedures to
25 discover long-standing potentially significant issues.

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1 In short, the employees running Fort
2 Calhoun lack a questioning attitude and instead
3 repeatedly act as those operations are good enough as is.
4 This occurs throughout the plant in all areas. Whether
5 through negligence or intentional decisions, OPPD has
6 demonstrated incompetence at many levels and in many
7 areas in operating Fort Calhoun. This troubling lack of
8 confidence runs deep throughout OPPD.

9 In addition, OPPD has also demonstrated a
10 pattern and practice of very slow response to safety
11 issues at Fort Calhoun. A large backlog of safety
12 problems exist. Many of them have not yet had root cause
13 analyses performed, but less conclusions reached and
14 bottom-line causes identified. Documentation also
15 contains instances noted by NRC personnel that when OPPD
16 conducts root cause analyses, they are less than
17 adequate.

18 Of the long-standing violations, I want to
19 focus first on the inadequate fire protection at Fort
20 Calhoun and the catastrophic fire that occurred June 7,
21 2011. Before I get into this, I need to note for you that
22 two references related to the fire were inadvertently
23 omitted from your summary. Immediately after the
24 hearing, I'll email those references to Ms. Wilkins for
25 distribution to all of you if that will be acceptable?

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1 MS. WILKINS: Yes, that will be acceptable.

2 CO-PETITIONER MOORER: That is? All
3 right, thank you.

4 To begin from a more long-term perspective,
5 Fort Calhoun Station has had inadequate fire protection
6 procedures since November 1997. This is noted in a
7 triennial fire inspection report, dated June 13, 2012.
8 That's included on your summary. That's 14 and a half
9 years that fire protection procedures at Fort Calhoun
10 have not been adequate.

11 Then, moving to the specifics leading up to
12 the fire, when the NRC issued its red significance
13 determination process finding and Notice of Violation on
14 April 10th of this year, the NRC, noted among other
15 things, that from May 2008 to June 2011 or for about three
16 years, Fort Calhoun failed to ensure that its preventive
17 maintenance program for the safety-related 480 back
18 electrical power distribution system was adequate to
19 ensure proper cleaning of conductors, proper torquing of
20 voltage conductor or bus bar connections, and adequate
21 inspection guidance for abnormal connection
22 temperatures.

23 According to the latest documentation,
24 there were in addition to failure to maintain and inspect
25 all provisions of the approved fire protection program,

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1 at least two contributing causes for the breaker fire
2 that resulted in a loss of power, the six of nine
3 safety-related 480 back buses, two of four
4 safety-related 4160 back buses, and the resulting
5 declaration of an alert on June 7, 2011.

6 Even though the extent of the fire damage
7 obliterated evidence needed to identify the precise
8 cause of the fire, the following two contributing causes
9 were identified. First, OPPD put in poorly-fitting
10 replacement parts. When it installed 12 new 480 back
11 load center breakers in 2009, OPPD failed to make sure
12 that the cradle assemblies as adapted to fit into the
13 older fixture bus cars fit properly and had a low
14 resistance connection.

15 A second contributing cause is OPPD's
16 inadequate inspection and cleaning of the conductors.
17 Among other things, the employees only inspected what was
18 readily accessible in the breaker cubicle and ignored the
19 areas that were hard to get to. They also only cleaned
20 the silver surfaces and ignored the copper surfaces which
21 allowed hardened grease and copper oxide to build up
22 which increased resistance of the electrical
23 connections.

24 A third opportunity missed to avoid the fire
25 was the failure of employees for three days prior to the

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1 fire to adequately investigate an acrid odor in the west
2 switch gear room. The NRC special investigation report
3 notes that a proper investigation may have prevented the
4 fire. This report noted that the fire event resulted in
5 the loss of cooling for the spent fuel pool and also noted
6 that if the reactor had been at power, it could have
7 resulted in multiple failures in systems used to mitigate
8 an event.

9 Thus, OPPD could have prevented this
10 catastrophic fire in at least three ways. First,
11 adequate investigation of the acrid odor. Second,
12 installation of a breaker bus assembly that adequately
13 fit. Or third, an adequate maintenance program that
14 included inspecting the areas that were hard to get to.

15 As alluded to earlier, cooling of the spent
16 fuel pool was lost during this fire event for almost two
17 and a half hours because two breakers failed. The first
18 was destroyed by the fire. The second breaker intended
19 to provide independent redundancy also failed. Initial
20 analysis concluded that smoke and soot from the fire in
21 the first breaker caused the second breaker to trip.
22 However, more recent cause analysis reported by OPPD, May
23 24, 2012, concludes that the second circuit breaker and
24 cradle assembly had a wired jumper error which caused the
25 breaker to open.

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1 OPPD's report says the breaker had a feature
2 called a zone-selective interlock that should have been
3 disabled when received at Fort Calhoun. But that both
4 on inspection upon receipt and post-modification testing
5 failed to identify the wired jumper error. Thus, OPPD
6 failed five opportunities to prevent loss of spent fuel
7 cooling.

8 The three ways the fire could have been
9 prevented mentioned a moment ago, thus protecting the
10 first breaker from tripping. With respect to the second
11 breaker, discovering the wire jumper error either
12 through adequate inspection upon receipt or adequate
13 post-modification testing. Bottom line, OPPD failed
14 every one of these five opportunities resulting in the
15 breaker fire and two and a half loss of cooling for the
16 spent fuel pool. This is a clear example of OPPD's poor
17 decision making and deep-seated cluelessness in
18 operating Fort Calhoun Station that has led to unsafe
19 operation of the reactor.

20 It should also be noted that NRC inspectors
21 have identified problems in OPPD's repair activities
22 subsequent to the fire related to the electrical
23 equipment.

24 Now I'll discuss in less detail several of
25 Fort Calhoun's other long-standing problems. Fort

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1 Calhoun Station has more than 530 primary containment
2 electrical penetrations that may not provide an adequate
3 seal during worst-case design basis accident conditions
4 as required. This is noted on your summary at July 18,
5 2012. These 530-plus penetrations first reported May 1,
6 2012, have existed since the plant was built. Fort
7 Calhoun began operation in 1973, thus, these
8 penetrations have remained undiscovered and unaddressed
9 for at least 39 years.

10 OPPD reported that during operating mode
11 under conditions of high radiation and high temperature,
12 the electric penetration seals which are Teflon could
13 degrade during a design-basis accident. After its
14 initial report, OPPD reported that under accident
15 testing, the Teflon field failed and water was noted
16 leaking from these penetrations. It also noted that
17 when the Teflon seal failed following a loss of coolant
18 accident, the highly-radioactive material, including
19 gas, could come into direct contact with outboard seals.

20 An update reported that penetrations are
21 also associated with the containment sump recirculation
22 isolation valve and the personnel airlock. OPPD says
23 it's continuing to investigate the extent of this
24 condition which has existed for at least 39 years at the
25 plant.

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1 Mr. Taylor detailed some of Fort Calhoun's
2 many deficiencies regarding flood protection which are
3 also long standing. I'll mention two that have existed
4 the longest. Looking at the item on your summary at
5 December 30, 2009, you can see that for 36 years OPPD
6 failed to have adequate procedures ensuring safe
7 shutdown at the probable maximum flood elevation at
8 1009.3 feet mean sea level. The notation on your summary
9 at October 6, 2010 shows that since 1978 or for about 32
10 years, OPPD has not maintained, as required, written
11 procedures for combating a significant external flood
12 related to the auxiliary building an intake structure.

13 As noted in your summary at March 1, 2012,
14 there are an unspecified number of unsealed through-wall
15 penetrations in various areas at Fort Calhoun through
16 which flood waters could seep or flow. These
17 penetrations which were created during installation of
18 the original plant security system were abandoned and
19 left unsealed in approximately 1985 when the security
20 system was replaced. Some of these penetrations that
21 have existed at Fort Calhoun for about 27 years were found
22 in rooms that housed safety-related electrical switch
23 gear.

24 In February of this year, OPPD identified
25 a problem noted in your summary at June 1, 2012 that has

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1 existed for about 22 years at Fort Calhoun. In this
2 case, the emergency diesel generator fuel oil transfer
3 pump had not been tested in accordance with the
4 requirements of technical specifications.
5 Consequently, the generators cannot be considered
6 operable.

7 As noted in your summary at August 12, 2008,
8 NRC inspectors noted that OPPD from 1990 to 2008 or for
9 about 18 years had failed to take adequate corrective
10 measures to address the potential that containment spray
11 pumps may run out and possibly fail. As noted in your
12 summary at December 30, 2009, NRC inspectors noted OPPD's
13 violation of failing from February 1992 to September 8,
14 2009 or for about 17 years, to adequately evaluate the
15 seismic qualification of the raw water pumps to ensure
16 that the pumps' anchor bolts embedded in the floor would
17 meet seismic Class 1 standards.

18 OPPD has for almost 14 years experienced a
19 significant amount of water intrusion into manholes
20 containing ~~41.60 bolt~~ [4160 volt] cables at Fort Calhoun,
21 as noted in your summary at March 16, 2012. Yet,
22 according to NRC inspectors, OPPD has failed to address
23 this problem appropriately. From 2005 until 2011 or for
24 about six years, OPPD chose to postpone corrective
25 actions and failed to appropriately monitor water

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1 intrusion into underground ducts and Manholes 5 and 31
2 for raw water, ~~41.80~~[4160] volt motor cables multiple
3 times. Even though OPPD has been aware for at least 16
4 months of almost 5.5 feet of water in Manhole 5, it failed
5 to perform any work to develop a permanent solution for
6 dewatering manholes that contain Maintenance Rule
7 cables.

8 There are numerous other examples of OPPD's
9 long-standing problems at Fort Calhoun, but there isn't
10 time to mention any more now. But in sum, the examples
11 of long-standing problems I've just mentioned are
12 problems OPPD either knew about or should have known
13 about. At this point, OPPD has not demonstrated the
14 requisite competence to assure that its safety problems,
15 long-standing or otherwise, will not continue at Fort
16 Calhoun.

17 I want to close by briefly addressing OPPD's
18 recent publicly stated plan to contract Exelon to manage
19 Fort Calhoun. This plan does not remove or temper our
20 concerns about OPPD's long history of poor decision
21 making and deep-seated cluelessness in operating Fort
22 Calhoun. We will address Exelon's operating record at
23 an additional hearing, but for now I want to mention two
24 things. First, as far as I know, OPPD hasn't actually
25 contracted with Exelon to manage Fort Calhoun day to day.

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1 At most, it has merely stated an intent to do so.

2 Second, OPPD, which in any event will remain
3 the owner and licensed operator, has announced that no
4 OPPD staff members will lose their job, that there will
5 be no housecleaning of Fort Calhoun's staff if Exelon
6 manages the reactor.

7 And I just wanted to clarify something that
8 Mr. Taylor said. He mentioned that the acknowledgement
9 by Mr. Green relates to OPPD's incapability to operate
10 Fort Calhoun. You should know that Mr. Green is the
11 Chair of the OPPD Board and as such, his views represent
12 those of the Board as a whole. And this Board is the
13 entity that is ultimately responsible for OPPD which is
14 the licensee of Fort Calhoun. So it's a public
15 acknowledgement by OPPD Board that they're not capable
16 of operating Fort Calhoun on their own.

17 That concludes my prepared remarks.

18 CHAIR MCGINTY: Okay, thank you. This is
19 Tim McGinty, the PRB chair. Thank you both, Mr. Taylor
20 and Ms. Moorner.

21 Mr. Taylor, you had mentioned that you may
22 have like an opportunity after Ms. Moorner was complete
23 to add a couple of remarks?

24 PETITIONER TAYLOR: Yes, thank you. I
25 just wanted to emphasize and clarify that this petition

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1 is not about just one problem or just one incident. If
2 that were the case, we probably would not have filed this.
3 But as you've seen throughout here, this is about an
4 entire history of inability and unwillingness by OPPD to
5 operate Fort Calhoun properly. And so I just want to
6 emphasize that this is not like a lot of petitions you
7 might see where there's just one incident that brings it
8 about. This is really about the bare
9 ability to operate the plant and as shown by their long
10 history.

11 I guess I would also like maybe in your wrap
12 up to find out exactly what the process is for following
13 up, particularly with a further hearing regarding the
14 Exelon matter.

15 Thank you.

16 CHAIR MCGINTY: Okay.

17 MS. RUSSELL: Hi, this is Andrea Russell
18 the 2.206 Coordinator. After this meeting, we will be
19 awaiting the transcript. It will be made publicly
20 available and then we'll be planning an internal PRB
21 meeting to make our initial recommendation. Once we
22 make that initial recommendation, you will be notified
23 as the Petitioner and will be offered a second
24 opportunity to address us.

25 PETITIONER TAYLOR: So is that when we

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1 would bring up the Exelon matter then?

2 MS. RUSSELL: Correct, and you can always
3 file a supplement.

4 PETITIONER TAYLOR: Okay.

5 MS. RUSSELL: In hard copy form through the
6 EDO or directly to Lynnea and that can be entered into
7 our ticket process and be added to this as a supplement.

8 PETITIONER TAYLOR: Thank you. The reason
9 we haven't done that is this is a very recent occurrence
10 and so we haven't really had time to investigate it
11 thoroughly enough to feel comfortable filing anything.

12 CHAIR MCGINTY: That's fine, Mr. Taylor.
13 This is Tim McGinty again. And by the same token, we'll
14 continue on with our process regarding the information
15 that's been both filed and presented today. And you'll
16 have an opportunity to either supplement or further
17 address the PRB another time.

18 PETITIONER TAYLOR: All right, thank you.

19 CHAIR MCGINTY: Is that fair?

20 PETITIONER TAYLOR: Yes, and the record
21 will include the summary that we submitted to you and the
22 documents referenced therein?

23 MS. WILKINS: Yes, it's already been added
24 to the package.

25 PETITIONER TAYLOR: Thank you.

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1 CHAIR MCGINTY: Okay, thanks. So this is
2 Tim McGinty again. So at this point I'd like to ask if
3 any of the staff that are here at headquarters for the
4 NRC have any questions of either Mr. Taylor or Ms. Moorer?

5 So I'm looking around the room and you've
6 provided a lot of information and it's very clearly
7 depicted. I'm getting a unanimous "I don't have any
8 additional questions from this portion of our audience"
9 here at the NRC.

10 I'd like to ask about folks that are out in
11 the region, in the region, whether they have any
12 questions of either Mr. Taylor or Ms. Moorer?

13 MS. DALY: This is Pam Daly. I have a
14 question. Can you hear me?

15 CHAIR MCGINTY: Yes. Pam, if you'd be kind
16 enough I'm going to ask for questions from the public in
17 a second. Could you hold, please, on that?

18 MS. DALY: I'm sorry. I thought you were
19 asking that.

20 CHAIR MCGINTY: That's perfectly all
21 right. I'm asking for NRC personnel out in the region.
22 I'll get to you in a second.

23 MS. DALY: I'm sorry.

24 CHAIR MCGINTY: No problem. Anybody from
25 the region?

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1 MR. KIRKLAND: I don't. This is John
2 Kirkland. I do not.

3 CHAIR MCGINTY: All right, thanks, John.
4 How about the licensee, do you have any questions?

5 MS. BAUGHN: No questions.

6 CHAIR MCGINTY: Okay, so before I conclude
7 the meeting, members of the public may provide comments
8 regarding these petitions and ask questions about the
9 2.206 petition process. However, as stated at the
10 opening, the purpose of this meeting is not to provide
11 an opportunity for the Petitioner or the public to
12 question or examine the PRB regarding the merits of these
13 petition requests.

14 With that said, Ms. Daly, did you have a
15 question?

16 MS. DALY: Yes. I forgot to say before I
17 am a citizen of Washington County and I live very close
18 to the power plant. And I have talked with many people
19 who work there and they feel that a lot of the criticism
20 of the plant is just the Federal Government being
21 difficult and they basically have a cynical attitude.
22 My understanding is that that is a part of the culture
23 of the plant.

24 So when you say -- I'm wondering if you feel
25 in your petition that the culture can be changed by

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1 keeping the same people there. I'm afraid that it cannot
2 be changed and the staff, major staff who work there would
3 need to be looked at very carefully and not just some
4 supervising staff at top level come in. I don't think
5 they'd be able to change the culture, although I think
6 the culture initially is created by the leaders. I think
7 it's much harder to change it by simply bringing in a
8 different leader. I think you have to change many
9 staff-level positions.

10 Do you believe that as well? This question
11 is for Mr. Taylor.

12 PETITIONER TAYLOR: Thank you. Well,
13 you're right that the culture starts from the top and as
14 Ms. Moorer said, as far as we know right now, there will
15 be no changes as far as the management of OPPD and the
16 management of the plant. Exelon is simply providing
17 day-to-day operational services.

18 But again, we don't know exactly what is in
19 the agreement yet, and we haven't really had a chance to
20 look at that, but you're right that we have discovered
21 here a real culture, like I said, the safe-as-is culture
22 and we just -- from what I have seen from going to all
23 the meetings, and listening to the OPPD folks, I just am
24 not confident that that's going to be changed.

25 MS. DALY: Thank you.

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1 CHAIR MCGINTY: Okay, and thank you, Ms.
2 Daly.

3 So any other members of the public have any
4 comments that they would like to provide or ask any
5 questions about the 2.206 petition process?

6 All right, with that said, Mr. Taylor, Ms.
7 Moorer, Ms. Daly, we'd like to thank you for taking the
8 time to provide -- actually just Mr. Taylor and Ms.
9 Moorer, thank you for taking the time to provide the staff
10 with clarifying information on the petitions you've
11 submitted.

12 Before we close we typically ask our court
13 reporter whether any additional information for the
14 meeting transcript is needed.

15 COURT REPORTER: This is the court
16 reporter. Do you want to continue on the record?

17 CHAIR MCGINTY: Do I want to continue on the
18 record?

19 COURT REPORTER: Do you want to close the
20 record at this point? That is to say do you want this
21 discussion in the transcript?

22 CHAIR MCGINTY: Yes, I'm on the verge of
23 concluding the meeting. I just wanted to see if you
24 needed any additional information that would help you
25 provide a clear record.

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1 COURT REPORTER: Yes, I do have a few
2 questions. Some of the participants I do not have
3 listed. There was a Mike Markley. I just need a correct
4 spelling for that name?

5 CHAIR MCGINTY: Markley, M-A-R-K-L-E-Y.

6 COURT REPORTER: And then from the NRC, a
7 Ms. Rankin?

8 MS. RANKIN: R-A-N-K-I-N.

9 COURT REPORTER: Pamela Daly?

10 MS. DALY: Yes, P-A-M-E-L-A D-A-L-Y, just
11 four letters.

12 COURT REPORTER: Mike Carberry.

13 MR. CARBERRY: C-A-R-B-E-R-R-Y.

14 COURT REPORTER: And Mike Ryan.

15 MR. RYAN: Ryan, R-Y-A-N.

16 COURT REPORTER: Thank you. That's all I
17 have.

18 CHAIR MCGINTY: Okay, and thank you.
19 With that said, I appreciate everybody's time and the
20 clarity of the information that you provided. The
21 meeting is concluded and we'll be terminating the phone
22 connections. Thank you.

23 (Whereupon, at 2:56 p.m., the
24 teleconference was concluded.)

25

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