

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition Review Board
 RE Oyster Creek Nuclear Station

Docket Number: 50-219

Location: Commissioners Hearing Room, Rockville, MD

Date: Thursday, January 3, 2012

Work Order No.: NRC-3003

Pages 1-52

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

PUBLIC MEETING

RE

OYSTER CREEK NUCLEAR GENERATING STATION

+ + + + +

THURSDAY

JANUARY 3, 2013

+ + + + +

The public meeting was held, Allen Howe,
Chairperson of the Petition Review Board, presiding.

PETITIONER: RICHARD WEBSTER

PAUL GUNTER

PETITION REVIEW BOARD MEMBERS

ALLEN HOWE, Petition Review Board Chairman

JOHN LAMB, Petition Manager

TANYA MENSAH, Petition Review Board Coordinator

NRC TECHNICAL STAFF

CHRISTOPHER HAIR, OGC

JOHN HUGHEY, NRR

GORDON HUNEGS, Region 1

NEIL SHEEHAN, Public Affairs

DOUG TIFFT, Region 1

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REPRESENTATIVES OF THE LICENSEE

DONALD FERRARO

RICHARD GROPP

FRANK MASCITELLI

GLENN STEWART

MEMBERS OF THE PUBLIC

PAULA GOTCH

JOSEPH LACHAWIEC

PEGGY STURMFELS

JANET TAURO

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P R O C E E D I N G S

(11:00:53 a.m.)

1
2
3 MR. LAMB: I'd like to thank everyone for
4 attending this meeting. My name is John Lamb, and I am
5 the Oyster Creek Senior Project Manager. We're here today
6 to allow the Petitioner, Mr. Richard Webster, to address
7 the Petition Review Board, PRB, regarding the 2.206
8 petition dated November 19th, 2012, as supplemented
9 November 30th, 2012.

10 I am the Petition Manager for the petition.
11 The PRB Chairman is Allen Howe, to my left.
12 As part of the PRB's review of this petition, Mr. Webster
13 has requested this opportunity to address the PRB.

14 This meeting is scheduled from 11 a.m. to
15 1 p.m. Eastern Time. The meeting is being recorded by the
16 NRC Operations Center and will be transcribed by a court
17 reporter. The transcript will become a supplement to the
18 petition. The transcript will also be made publicly
19 available.

20 There is a maximum of 50 bridge lines
21 available for this meeting. The bridge line was published
22 in the media so I apologize to members of the public if
23 you aren't able to get on the bridge line. This meeting
24 is also being webcast on the NRC web page.

25 I would like to open this meeting with

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1 introductions. As we go around the table please be sure
2 to clearly state your name, your position and the office
3 that you work with within in the NRC for the record. I
4 will start off. Once again, I am John Lamb, Senior Project
5 Manager for Oyster Creek and Seabrook in the division of
6 Operating Reactor Licensing, DORL, in the Office of
7 Nuclear Reactor Regulation, NRR.

8 MR. HOWE: Good morning. I'm Allen Howe. I'm
9 the Deputy Director in the Division of Inspection and
10 Regional Support in the Office of Nuclear Reactor
11 Regulation, and I'm also the Petition Review Board
12 Chairman for this petition.

13 MR. HUGHEY: Good morning. My name is John
14 Hughey. I'm the Acting Branch Chief for the Division of
15 Operating Reactor Licensing, the Office of Nuclear
16 Reactor Regulation.

17 MR. HAIR: My name is Christopher Hair. I'm
18 with the Office of the General Counsel.

19 MS. MENSAH: I'm Tanya Mensah. I'm the 2.206
20 Coordinator, Division of Policy and Rulemaking, Office
21 of Nuclear Reactor Regulation.

22 MR. LAMB: Okay. Are there any other NRC
23 headquarters personnel on the telephone line? Please
24 introduce yourselves. Is there any regional participants
25 on the telephone line?

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1 MR. TIFFT: Yes, this is Doug Tifft, NRC
2 Region I.

3 MR. HUNEGS: This is Gordon Hunegs, Division
4 of Reactor Projects, Branch Chief.

5 MR. SHEEHAN: Neil Sheehan, Region 1, Public
6 Affairs.

7 MR. LAMB: Okay. Are there any
8 representatives of the licensee on the phone?

9 MR. FERRARO: This is Donald Ferraro from
10 Exelon.

11 MR. STEWART: Glenn Stewart from Exelon.

12 MR. MASCITELLI: Frank Mascitelli from
13 Exelon.

14 MR. GROPP: Richard Gropp from Exelon.

15 MR. LAMB: Okay, thank you. Mr. Webster,
16 would you like to introduce yourself for the record?

17 MR. WEBSTER: Yes, I'm Richard Webster from
18 Public Justice. I'm here representing New Jersey
19 Environmental Federation and Beyond Nuclear. And I'm
20 here with my colleague, Paul Gunter.

21 MR. GUNTER: Yes, Paul Gunter. I'm the
22 Director of the Reactor Oversight Project at Beyond
23 Nuclear.

24 MR. LAMB: Thank you. At the end of the
25 meeting I will obtain phone attendees through the roster

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1 playback, so we won't go through all the people that are
2 on the line right at this point.

3 I'd like to emphasize that we each need to
4 speak clearly and loudly to make sure that the court
5 reporter can accurately transcribe this meeting. If you
6 do have something that you would like to say please first
7 state your name for the record.

8 For those dialing into the meeting please
9 remember to mute your phone to minimize any background
10 noise or distractions. If you do not have a mute button
11 this can be done by pressing *6. To unmute press the *6
12 again. Thank you.

13 At this time I will turn it over to the PRB
14 Chairman, Allen Howe.

15 MR. HOWE: Thank you, John. Good morning,
16 and thanks again for coming to this meeting for the 2.206
17 petition that was submitted by Mr. Webster.

18 I want to start off by noting that the NRC
19 is focused on our strategic goals of safety and security.
20 And for Oyster Creek what that means is that NRC licensed
21 the facility to operate in accordance with the applicable
22 regulations, and we also oversee the facility via our
23 inspection program to verify that it's operating safely
24 and meeting NRC requirements.

25 I want to just start out also with some

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1 background on what our process is. This is a 2.206
2 Petition Review Board meeting. Section 2.206 of Title 10
3 of the Code of Federal Regulations describes the petition
4 process. It's the primary mechanism for the public to
5 request enforcement action to be taken by the NRC, and
6 this a public process. This process permits anyone to
7 petition the NRC to take enforcement-type action related
8 to NRC licensees or licensed activities.

9 Depending on the results of its evaluation,
10 the NRC could modify, suspend, or revoke an NRC issued
11 license or take any other appropriate enforcement action
12 to resolve a problem. The NRC Staff Guidance for the
13 disposition of 2.206 petition requests is in our
14 Management Directive 8.11, and that's a publicly
15 available document.

16 The purpose of today's meeting is to allow
17 the Petitioner an opportunity to provide the Board with
18 additional explanation or support for the petition, and
19 this would be before the PRB's consideration and a
20 recommendation how to proceed. The meeting is not a
21 hearing, nor is it an opportunity for the Petitioner to
22 question or examine the Petition Review Board on the
23 merits of the issues that are presented as part of the
24 petition request.

25 At today's meeting, we will not make any

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1 decisions regarding the merits of this petition. And
2 following the meeting we will have an internal meeting
3 where we'll take the information provided in the petition
4 and the information that we have received today and
5 review that information. Once we have completed our
6 internal meeting we will discuss the results of that with
7 the Petitioner.

8 The Petition Review Board typically
9 consists of a Chairman, usually this is a manager at the
10 Senior Executive Service Level at the Nuclear Regulatory
11 Commission, has a Petitioner Manager, a Petition Review
12 Board Coordinator, and other members of the Board which
13 are determined by the NRC based on the content and the
14 information provided in the request.

15 I know we did introductions but just for
16 clarity for the Petition Review Board, I'll just
17 reiterate who the members of the Board are. Again, I'm
18 Allen Howe. I'm the Petition Review Board Chairman. John
19 Lamb to my right is the Petitioner Manager for the
20 petition under discussion today. Tanya Mensah is the
21 Petition Review Board Coordinator. Technical staff
22 supporting the Petition Review Board are John Hughey who
23 is the Acting Branch Chief in the Division of Operating
24 Reactor Licensing in NRR. Gordon Hunegs who is on the
25 telephone. He is a Branch Chief in Region I in the

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1 Division of Reactor Projects, and he has Oyster Creek
2 under his responsibility. Doug Tifft is the State Liaison
3 Officer in Region I, and we also have advice from our
4 Office of General Counsel who is Christopher Hair.

5 As described in our process, we might ask
6 some clarifying questions during your presentation today
7 in order to better understand the information that you're
8 providing to us, and to reach -- and this will allow us
9 to reach a reasoned decision on whether to accept or
10 reject the Petitioner's request for review under the
11 2.206 process.

12 Let me just a take a moment. I want to
13 summarize the scope of the petition under consideration
14 and some of the NRC activities that have taken place to
15 date.

16 On November 19th, 2012 Mr. Webster submitted
17 to the NRC a petition under 2.206 regarding Oyster Creek.
18 At a high level, this petition request raised concerns
19 regarding offsite emergency preparedness in the
20 aftermath of Hurricane Sandy. Protection of equipment
21 from external flooding and indications which were
22 identified by the licensee during routine inspections of
23 the control rod drive, return nozzle safety and pipe
24 welds.

25 In this petition request, Mr. Webster

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1 requests that the NRC ensures that Oyster Creek does not
2 restart until the following conditions are met. The
3 Evacuation Plan is updated to reflect the new reality
4 post Sandy including evacuation shelters, blocked roads,
5 emergency responders farther away and more distracted,
6 et cetera, and sirens are repaired, the design storm for
7 flood defense purposes is updated to reflect the recent
8 spate of storms and climate change, and additional flood
9 protection is put in place as appropriate, the
10 indications, cracks or precursors are investigated, and
11 the public is assured through the release of additional
12 data and analysis they pose no additional risk of a
13 nuclear catastrophe; Exelon reviews whether the
14 indications were predicted by its modeling and whether
15 it can predict that no problematic indications will
16 develop before the next inspection cycle, and proof of
17 ability to predict fatigue accurately is released to the
18 public. And to ensure transparency, a public meeting with
19 NRC is held in which staff can satisfactorily answer the
20 public's concern including the above.

21 Some of the NRC activities to date, on
22 November 23rd after receiving the petition, the Petition
23 Manager contacted Mr. Webster to discuss the 10 CFR 2.206
24 process and to offer an opportunity to address the
25 Petition Review Board by phone or in person. You have

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1 requested to address the Petition Review Board prior to
2 its internal meeting to make the initial recommendation
3 to accept or reject the petition for review, and that's
4 the meeting that we're holding today.

5 However, because the petition requests
6 immediate action, the Petition Review Board met
7 internally on November 26th to review the request. The
8 Petition Review Board after making that initial review
9 denied your request for immediate action on the basis
10 there was no immediate safety concern to Oyster Creek or
11 to the health and safety of the public for the following
12 reasons. And I'm going to go through these several
13 reasons.

14 The first reason was on November 13th, 2012,
15 the Federal Emergency Management Agency conducted or
16 concluded rather that offsite radiological emergency
17 preparedness was adequate to provide reasonable
18 assurance and that appropriate measures can be taken to
19 protect the health and safety of the public in the event
20 of a radiological emergency at Oyster Creek in Ocean
21 County, New Jersey. Now, the information that they
22 provided is publicly available, and I can provide you,
23 although I think you already have it, the ADAMS accession
24 number for that document.

25 Second reason for our conclusion was that

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1 current, and this is information as of the last day or
2 so, there's one emergency notification siren which is
3 inoperable out of a total of 42 emergency notification
4 sirens. This does not exceed Exelon's reporting
5 threshold of 25 percent or more of the sirens out of
6 service. Exelon is working to restore the one inoperable
7 siren.

8 In addition, FEMA's assessment determined
9 that in the areas where the sirens were determined to be
10 inoperable the FEMA-approved backup notification method
11 of route alerting could be conducted, if needed.

12 Number three, Hurricane Sandy did not
13 exceed Oyster Creek's maximum flood level due to the
14 probable maximum hurricane. As reported in the Oyster
15 Creek Final Safety Analysis Report, Subsection 2.4.5,
16 the maximum flood level for the probable maximum
17 hurricane will be at an elevation of 22 feet mean sea
18 level. The plant grade is 23 feet mean sea level, which
19 means it's one foot above the probable maximum hurricane
20 flood level. Therefore, the flood will not find its way
21 into the plant buildings. Also, the flood levels which are
22 generally about 6-inches above the grade so that would
23 be 23 feet 6 inches.

24 The circulating water intake structure with
25 its deck elevation of 6 feet would be under water. This

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1 deck supports apart from other equipment the circulating
2 water pumps and the emergency service water pumps. During
3 a probable maximum hurricane flood the circulating water
4 and service water pumps would be inoperable and, thus,
5 emergency plant procedures have been instituted which
6 would require the plant to be shut down when flood water
7 reached a predetermined level as to ensure the capability
8 for safe shutdown under either normal or abnormal
9 conditions.

10 Four, during a planned routine inspection
11 program Exelon discovered control rod drive return
12 -- I'm sorry, control rod drive return nozzle safe end
13 to pipe weld indications. These indications were
14 determined to be surface in nature and did not result in
15 any leakage. Exelon completed a structural weld overlay
16 in accordance with the ASME Code, that's the American
17 Society for Mechanical Engineering.

18 You were informed on November 26th via an
19 email of the PRB's decision to deny your request for
20 immediate action. On November 28th you requested a public
21 meeting to address the PRB and to provide supplemental
22 information. You followed up with a formal request on
23 November 30th, and you also requested that the meeting be
24 held close to Oyster Creek. In addition, you also
25 supplemented your November 19th petition on November 30th.

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1 NRC responded to you on November 30th and
2 December 6th of 2012 regarding arrangements for the
3 meeting. At that time you were informed that the public
4 meeting would be held at the NRC headquarters here in
5 Rockville, Maryland. We also informed you that the
6 purpose of the public meeting is to allow you an
7 opportunity to provide additional explanation or support
8 for the petition before the petition -- prior to the
9 Petition Review Board's initial consideration and
10 recommendation.

11 This meeting is not a hearing, nor is it an
12 opportunity for you to question or examine the Petition
13 Review Board on the merits of the issues presented in the
14 petition. No decisions regarding the merits of the
15 petition will be made at the meeting.

16 On December 12th, 2012 we issued the public
17 meeting notice for this meeting and placed it on the NRC
18 public web page.

19 December 31st, 2012 you requested that NRC
20 provide you all the documents that the NRC Staff reviewed
21 in its decision making. Regional Inspectors reviewed
22 licensee documents such as procedures, root cause
23 reports and work packages. These documents belong to the
24 licensee and are not available to the public. Regional
25 Inspectors factor into NRC inspection reports numerous

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1 licensee documents as a part of our inspection program.

2 On January 2nd, the NRC informed you that the
3 public meeting would be held again here at the
4 headquarters in Rockville, and we also outlined
5 information similar to what we have provided to you in
6 communications on November 30th and December 6th.

7 The next steps in the meeting will be a
8 presentation by the Petitioner, and that will be followed
9 by questions from the NRC Staff. Before the meeting
10 closes we will open up for an opportunity for public
11 comments or question to the 2.206 process.

12 Just as a quick reminder to phone
13 participants, if you do make a comment please identify
14 yourself, and also this will help us in making the meeting
15 transcript which will be made publicly available.

16 Mr. Webster, I'll turn over the meeting at
17 this point to allow you to provide any information that
18 you believe the PRB should consider as a part of this
19 petition.

20 MR. WEBSTER: Thank you, Mr. Chairman.
21 Again, Richard Webster, Public Justice on behalf of New
22 Jersey Environmental Federation and Beyond Nuclear.

23 We're here because we have serious concerns
24 about the ongoing safety of the Oyster Creek Nuclear
25 Power Plant. The NRC appears to be failing to enforce its

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1 regulations, and that lack of enforcement is leading to
2 a lack of adequate protection at the power plant.

3 Most of these concerns came to light during
4 the refueling outage that commenced before the plant was
5 hit by Hurricane Sandy, but continued through the
6 Hurricane Sandy event.

7 I have three substantive points today and
8 one significant procedural issue. The substantive points
9 are, as we've just heard in broad summary, that Exelon
10 discovered unacceptable indications near the control rod
11 drive return level on the reactor pressure vessel, and
12 we have some concerns about how this was dealt with. I'll
13 talk about that in detail later.

14 The second is that during Hurricane Sandy,
15 we understand that the plant came within 6 inches of
16 losing the service water pumps. Certainly, although
17 there's been some dispute about whether it was 6 inches,
18 there certainly wasn't a lot of margin there. I had a look
19 at the alert, and I'll discuss that in more detail later.
20 But just like to note that what we've heard is that the
21 plant is under the maximum flood on the service water
22 pumps to be out of action, shut down would not take care
23 of this spent fuel pool, nor will it take care of residual
24 heat, so that's an issue that I think we need to discuss
25 in more detail.

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1 Finally, we believe Exelon failed to report
2 a major loss of offsite emergency response capability in
3 violation of 10 CFR 50.72(b) (3) (viii) .

4 Now, to come to the procedural issue there's
5 a major problem here with transparency, as we've just
6 heard. Broadly, despite our repeated requests, the NRC
7 has provided us with no documents whatsoever beyond a few
8 emails which provided cursory information.

9 We've heard that the NRC has shielded or
10 believes it has shielded the critical documents from the
11 public by the subterfuge of leaving them on site. To be
12 clear, there is absolutely no reason why NRC cannot bring
13 these documents to headquarters. They are not -- they may
14 be in the possession of the licensee, but they are in the
15 control of NRC. NRC has the right to bring these documents
16 to headquarters, and I think there's no argument that if
17 these documents do come to headquarters they are subject
18 to the Freedom of Information Act and become public
19 records. So, I think it's misleading to characterize
20 these documents as licensee's documents that somehow are
21 out of reach of the public. They're only out of reach of
22 the public because the NRC Staff decided to make them out
23 of reach of the public.

24 I further understand that most
25 communications on this occurred by a conference call.

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1 Once again, the public was not invited to participate in
2 these conference calls. The conference calls as far as
3 I understand it do not create records that are subject
4 to the Freedom of Information Act. So, here we have a
5 situation where we are asked to make a presentation about
6 NRC's decisions but we have no way of finding out what
7 those decisions were based upon.

8 It basically places us in an untenable
9 Catch-22. Now, trying to get out of this Catch-22 a little
10 bit, I do note in Management Directive 8.11 that there's
11 a provision for a Staff presentation to the PRB. May I
12 ask has that Staff presentation been done or will it be
13 done today?

14 MR. HOWE: A Staff presentation has not been
15 done to the PRB. That will be done as part of our internal
16 meeting.

17 MR. WEBSTER: Well, Mr. Chairman, on page 8,
18 that's under preparation for the PRB meeting. Is this not
19 the PRB meeting?

20 MR. HOWE: One of the actions that we have
21 before we meet is to allow the Petitioner to provide
22 additional information. That's the purpose of today's
23 meeting.

24 MR. WEBSTER: Oh, so to be clear then, under
25 Management Directive 8.11, this is the pre-meeting

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1 review before the PRB meeting.

2 MR. HOWE: Yes.

3 MR. WEBSTER: So, is the Staff going to make
4 a presentation today to the PRB?

5 MR. HOWE: At this meeting today, the purpose
6 of the meeting is to allow you to present information to
7 the PRB.

8 MR. WEBSTER: Okay. When will the Staff make
9 its presentation to the PRB?

10 MR. HOWE: We will need to schedule that
11 meeting.

12 MR. WEBSTER: Okay. Will the public be
13 invited to view that presentation?

14 MR. HOWE: Per Management Directive 8.11,
15 that's an internal meeting. All right. I just want to
16 remind you --

17 (Simultaneous speech.)

18 MR. HOWE: Pardon me, I'm still trying to
19 make a comment here. I want to remind you this is a
20 presentation for the NRC Staff. You appear to have read
21 Management Directive 8.11. We can talk about the process
22 but, basically, at its basic high-level process the Board
23 will take the information provided in writing as a part
24 of the petition, will take the information which is
25 provided by you today. We will review that and consider

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1 that, and make a decision on whether or not to accept or
2 reject the petition. This is not an opportunity for you
3 to quiz the Staff or question the Staff on the merits of
4 the petition itself, or any of our deliberations
5 associated with the petition. We will do that as a part
6 of our process which is outlined in Management Directive
7 8.3, I'm sorry, 8.11.

8 MR. WEBSTER: Could you enlighten me, where
9 in Management Directive 8.11 does it say that this is
10 purely an internal process that the public are not
11 invited to view this presentation?

12 MR. HOWE: Tanya, would you please help me
13 out with that paragraph?

14 MS. MENSAH: If you'd like to continue your
15 presentation, I can find it.

16 MR. HOWE: Yes.

17 MR. WEBSTER: I mean, let me be clear. Let
18 me make a statement about this, which is that there is
19 -- if this is supposed to be -- one of the Agency goals
20 as well as safety and security is transparency. If the
21 NRC is attempting to meet that goal -- let's put it this
22 way. At the moment, it appears the NRC is not meeting that
23 goal because what we're hearing is that many of the
24 documents upon which the decision is based are out of the
25 reach of the public, but there's no provision whatsoever

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1 for the public to hear what the Staff have to say about
2 it. So, it is totally -- the Agency is totally failing
3 in this respect to meet its goal of transparency. And in
4 the absence of such transparency it makes this process,
5 as I said, a Catch-22, an untenable Catch-22. I've said
6 before, the NRC processes appear to have been designed
7 by the interesting combination of Franz Kafka and Joseph
8 Heller, where we go through interminable meetings. We
9 have the pretense of a process, we have a pretense of a
10 trial but actually there's no chance for the public to
11 do anything effective because all of the important
12 information is hidden.

13 MR. HOWE: Okay. In response to your question
14 about the Management Directive 8.11, it's in Part 3. This
15 is on page 13. "The PRB meeting is a closed meeting
16 separate from any meetings with the Petitioner and the
17 Licensee, during which the PRB members develop their
18 recommendations with respect to the petition.

19 At the meeting, the Petition Manager briefs
20 the PRB on the Petitioner's request, background
21 information, the need for independent technical review
22 and a proposed plan for resolution including target
23 completion dates." That's the paragraph at the bottom of
24 page 13.

25 MR. WEBSTER: Yes, and that doesn't seem to

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1 be quite the same thing as the presentation to the PRB,
2 which has additional requirements. If you look on page
3 8, there are six requirements of the presentation to the
4 PRB which are different to those mentioned on page 13,
5 so I'm not sure that's the same briefing.

6 MR. HOWE: Okay. I understand that. We'll
7 take a look at that.

8 MR. WEBSTER: Well, let me put in a request.
9 I would request that the briefing, the presentation
10 that's provided to the PRB by the Staff that is discussed
11 in 8.11 on page 8, I'd request that the public be allowed
12 to view that presentation.

13 MR. HOWE: Okay, I understand that request,
14 also.

15 MR. WEBSTER: Thank you. I might note at this
16 point that despite all these requests for information
17 none has been provided, or very little has been provided.
18 Mr. Lamb did provide some -- had some information by
19 phone. Will any reason ever be provided for that?

20 MR. HOWE: Will any?

21 MR. WEBSTER: Well, de facto we're at this
22 meeting and no information has been provided, so de facto
23 those information requests have been denied. But I've
24 seen no reason that there's been a denial.

25 MR. HOWE: In our petition review process,

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1 the Petitioner has the responsibility to bring in the
2 information that is associated with the concern to the
3 NRC. We will take a look at that information, evaluate
4 that and make a decision.

5 MR. WEBSTER: I understand that, but as I've
6 said, I've made requests for information. They have been
7 de facto denied, but I have received no piece of paper
8 that tells me why they've been denied.

9 MR. HOWE: Okay.

10 MR. WEBSTER: Will I ever receive a piece of
11 paper that tells me why they've been denied?

12 MR. LAMB: Once again, I think Allen said it
13 earlier, is that the information that was reviewed by the
14 residents that you're requesting the root cause report,
15 procedures and work packages reviewed by the Regional
16 Inspectors, and were not removed from the site so,
17 therefore, I do not have any documents. Exelon has not
18 submitted any documents on the docket; therefore, that
19 information is not publicly available.

20 COURT REPORTER: Speaker, please identify
21 yourself.

22 MR. LAMB: John Lamb, NRC.

23 MR. WEBSTER: As discussed, Mr. Lamb, I do
24 believe that you have the right to request those
25 documents, so your decision not to request them de facto

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1 meant they were not publicly available. Is that correct?

2 MR. HOWE: Mr. Webster, I understand that you
3 have some questions about the public availability of
4 documents and we've noted your request for review of the
5 Petition Review Board meeting, whether or not that should
6 be a public meeting. What I'd ask at this point is if you
7 could go ahead and proceed with your presentation of the
8 information that you have that you want the Petition
9 Review Board to consider.

10 MR. WEBSTER: Just to clarify, my request is
11 not to look at the PRB meeting, it's to look at the
12 Petition Manager's presentation to the PRB which I
13 believe is a separate presentation to the PRB meeting
14 itself. We acknowledge that the PRB meeting is a private
15 meeting, but the Staff's presentation to the PRB should
16 be public. I mean, if we look at the parallel with the
17 ASLB process, in the ASLB process the Staff may
18 participate as a party. Everything the Staff submits
19 during the ASLB process is available for the parties.
20 Really what you're telling me here is that under your
21 process, the way you envision it, at least, that ex parte
22 contact is not only allowed, it's encouraged.

23 Once again, you know, fundamental
24 principles of justice are that if we're going to have a
25 decision, that all parties should understand who has said

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1 what to the decision maker. Here the Petition Manager
2 makes, particularly makes a presentation to the PRB. The
3 Petition Manager is in the position it seems of being
4 judge and jury on these things, but clearly it's a
5 presentation to the PRB. It's not a PRB meeting, so I just
6 want to clarify that.

7 MR. HOWE: The petition review process is a
8 different process than the one that you're allowed before
9 the Atomic Safety and Licensing Board. That is a hearing
10 and it's a different process than what we're talking
11 about today.

12 MR. WEBSTER: I understand that. That's why
13 I read Management Directive 8.11 quite carefully so I
14 understand what the process was. And, as I say, a fair
15 reading I think of 8.11 is that the presentation -- the
16 Petition Manager's presentation to the PRB is separate
17 to the PRB meeting.

18 MR. HOWE: Okay. Well, certainly we'll take
19 a look at that as a part of our deliberations.

20 MR. WEBSTER: Well, I guess I'm asking for
21 a pre-adjudication of that issue so then you can decide
22 whether we can view the Petition Manager's presentation
23 to the PRB.

24 MR. HOWE: As part of our internal meeting
25 we will discuss that request.

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1 MR. WEBSTER: Thank you. Okay. Now, to move
2 on to the substantive issues. The basic law on adequate
3 protection is that it's up to the applicant to carry a
4 policy of burden showing safety, not up to the Staff to
5 prove the lack of safety. The OIG Finding 3 on Davis-Besse
6 stated that the NRC appears to have informally
7 established an unreasonably high burden of requiring
8 absolute proof of a safety problem versus lack of
9 reasonable assurance of maintaining public health and
10 safety before it will act to shut down a power plant.

11 The NRC response to that finding given by
12 Richard Meserve in a memo dated January 8th, 2003 is that
13 the NRC Staff's actions at Davis-Besse were clearly and
14 appropriately focused on maintaining reasonable
15 assurance of public health and safety. The issuance of
16 an order on this basis does not require absolute proof.
17 So, what the Staff is looking for here should be lack of
18 proof of reasonable assurance of adequate protection.
19 The Staff does not have to prove that there is no adequate
20 protection. The licensee has to prove that there is
21 adequate protection.

22 Now, NUREG/BR-558 does provide some
23 guidance. I'm sorry, it's BR-58, does provide some
24 guidance on the kind of analysis that needs to be done.
25 Basically, the analysis is -- the basic analysis for

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1 adequate protection is to see whether design basis is
2 being complied with. Having done that, the secondary goal
3 is to insure that the reactor, the core damage frequency
4 is less than 10 to the minus 4 per reactor year. I would
5 add that the BR-58 does not mention the spent fuel pool,
6 but I hope that the Staff does also consider safety issues
7 with regard to the fuel pool, as well as safety issues
8 with regard to the reactor core.

9 Now, with regard to the reactor pressure
10 vessel indications, Exelon acknowledged that these
11 indications were unacceptable and, therefore, we
12 understand required repair. I understand from the Staff
13 that the explanation as to why these indications
14 occurred, the Root Cause Report discusses chlorides that
15 were introduced into the containment by the fitting of
16 strain gauges.

17 As far as we understand it, the Aging
18 Management Plan for the reactor pressure vessel assumed
19 a lack of chlorides in containment. So, we have two
20 fundamental questions. One is, if the chlorides were
21 there, what are the standards that the AMP has been
22 revised to reflect those -- the presence of those
23 chlorides. So, there are two fundamental questions; one
24 is, if the chlorides are there, how can the Staff have
25 assurance that the reactor pressure vessel will not

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1 develop unacceptable -- further unacceptable
2 indications before the next inspection in the absence of
3 an adequate Aging Management Plan?

4 And, second, if the chlorides are determined not to be
5 there did the Aging Management Plan that's currently in
6 place predict these indications? And if not, doesn't that
7 show that it needs to be revised?

8 We also discussed the need for ultrasonic
9 inspection of these indications. Since the repair has
10 been done, I guess I'm going to assume that those
11 ultrasonic inspections have been done, but I'm going to
12 note that we have received absolutely no assurance from
13 the Staff about that. We received no documentation about
14 that. We received nothing whatsoever about that. So, you
15 see my problem here, Mr. Chairman, it's just hard for me
16 to make a definitive presentation on these issues in the
17 absence of critical information, again illustrating that
18 the process here is fundamentally deficient. If we're
19 going to have a real process with real public oversight
20 there must be some provision for disclosure of
21 information to the public about issues of genuine public
22 concern.

23 Now, with regard to flooding the general
24 design criterion which is Appendix A to Part 50 discusses
25 the design basis for protection against natural

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1 phenomena in Criterion 2. And it says, "Structures,
2 systems and components important to safety shall be
3 designed to withstand the effects of natural phenomena
4 such as earthquakes, tornadoes, hurricanes, floods,
5 tsunami, and seiches [a standing wave in an enclosed or
6 partially enclosed body of water] which I must say I must
7 say I'm not sure what those are, but with that lot a
8 capability to perform their safety functions. This is
9 important.

10 The design bases for these structures,
11 systems and components shall reflect one, appropriate
12 consideration of the most severe of the natural
13 phenomenon that have been historically reported at the
14 site and surrounding area with sufficient margin for
15 uncertainty. And what I understand from the Staff is that
16 actually the Staff, far from revising -- well, let's take
17 it step by step.

18 What is known from the Staff is that no
19 revision to the probable maximum flood has occurred due
20 to the Hurricane Sandy. We find this surprising because
21 Hurricane Sandy is the worst even ever to hit the planet,
22 the worst event recorded as far as I understand on the
23 Jersey shore. But doesn't that mean then that under
24 general design criteria that the basis of the design
25 needs to change because it now needs to take account, now

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1 needs to take appropriate consideration of the most
2 severe natural phenomenon have been reported. The most
3 severe phenomenon has been reported is Hurricane Sandy,
4 so under the general design criteria this means that they
5 have to -- that the Staff now has to improve the change
6 the probable maximum flood and make sure the plant can
7 withstand the revised probable maximum flood. Failing to
8 do that violates NRC's regulations.

9 And we understand from the Staff that they
10 have precisely failed to do that, that they have relied
11 on the old probable maximum flood, not a new flood. To
12 be clear, the Staff's explanation of well, the flood
13 wasn't bigger than the probable maximum flood is
14 completely irrelevant.

15 MR. HOWE: Let me just ask a clarifying
16 question here. So, your concern is that the licensee
17 needs to reevaluate. Is that what you're requesting, that
18 they need to reevaluate their probable maximum flood
19 based on the current knowledge of the storm surge during
20 Hurricane Sandy? Is that what you're asking?

21 MR. WEBSTER: Well, I mean, I think in this
22 process we don't get to ask -- I don't think we get just
23 to ask Exelon anything in this process. Right? We only
24 get to ask the Staff things. Well, we're asking that the
25 Staff should not permit operation of the reactor until

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1 they understand the need, at least have some
2 understanding of how the probable maximum flood changes
3 in the light of Hurricane Sandy, and whether the plant
4 can withstand that probable -- with that revised
5 probable maximum flood.

6 Now, I would hope that the Staff might ask
7 Exelon to assist in that process, but we believe this is
8 an analysis that should have been done before the reactor
9 reopened. At the moment we're just functioning on what
10 I call faith-based safety initiatives, which is we are
11 hoping that another big storm doesn't hit until the NRC
12 goes through its process of thinking about flooding.

13 As we know from the Fort Calhoun situation
14 that process can occur over a period of 20 years. That's
15 just not adequate. We shouldn't be sitting around praying
16 for a lack of a big flood for 20 years. This Agency should
17 be taking action to insure that the plant can withstand
18 the probable maximum flood on a reasonable basis, and it
19 should be taking urgent action -- we should have already
20 taken -- let me make it very clear, it should have already
21 taken action to at least do some preliminary calculations
22 before allowing restart of the reactor. It failed to do
23 that. That violated NRC's regulations. And we believe the
24 reactor is currently operating outside of general design
25 criteria, Appendix A to Part 50, Criterion 2.

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1 Therefore, it naturally follows that until this analysis
2 is done the reactor should stop operating.

3 Okay. Finally, we believe Exelon violated
4 50.72 which requires immediate notification for -- of
5 requirements for operating power plants. In particular,
6 50.72(b)(3)(viii) states that "it must notify of any
7 event that results in a major loss of emergency
8 assessment capability, offsite response capability, or
9 offsite communications capability." Then it says [e.g.
10 significant portion of control room indication,
11 emergency notification system, or offsite notification
12 system].

13 Now, looking at the event reports it does
14 appear that Exelon issued two event reports; both were
15 concerned exclusively with the sirens, or sirens
16 depending on how you want to say it. I'll call it sirens
17 but to be clear we're talking about the same thing. During
18 the Hurricane Sandy not only were the sirens inoperable,
19 but also the infrastructure was majorly degraded, roads
20 were impassible, huge flooding occurred, gas leaks were
21 occurring, all sorts of things were occurring,
22 evacuation was in process. All of these things inhibited
23 offsite response capability.

24 The e.g. clearly is not an exclusive list
25 of things that Exelon has to report. It's merely an

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1 example of the kind of things they have to report. Well,
2 here Exelon violated this reporting requirement and the
3 Staff apparently did absolutely nothing beyond relying
4 on a single conclusory email from FEMA.

5 So, in summary substantively we ask the PRB
6 to determine (a) that the -- until the Aging Management
7 Plan for the reactor pressure vessel is updated to
8 reflect current conditions the reactor should not
9 operate. Until the Staff insures that there is
10 compliance, until the licensee assures the Staff that it
11 has reevaluated the probable maximum flood and,
12 therefore, there is compliance with general criterion,
13 general design criterion 2, the plant should not
14 operate. And, finally, Exelon should be found in
15 violation of the notification requirements in 50.72.
16 Thank you for your time. I'll take any questions if you
17 have them.

18 MR. HOWE: All right. Thank you, Mr. Webster.
19 Let me open it up at this time for anyone from the NRC
20 Staff here at headquarters to provide any questions to
21 Mr. Webster. Okay, Region I?

22 MR. HUNEGS: No questions from Region I. This
23 is Gordon Hunegs.

24 MR. HOWE: All right. Thank you, Gordon. Is
25 there any other NRC Staff on the telephone line that has

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1 any questions for Mr. Webster?

2 Okay. I also understand that the licensee
3 was listening to this call. Does the licensee have any
4 questions at this time?

5 Okay, hearing none let me open up at this
6 point in time before I conclude the meeting to allow
7 members of the public to provide any comments or to ask
8 questions of the NRC Staff regarding the 2.206 process.
9 But let me just reiterate, as I said at the beginning of
10 this, the purpose of this meeting is not to provide an
11 opportunity for the Petitioner or the public to question
12 or examine the PRB regarding the merits of the petition
13 request. And also as a reminder to phone participants if
14 you would please identify yourself when you make any
15 remarks, this will help us with insuring that we have an
16 accurate transcript.
17 So, with that let me see if any of the members of the
18 public have any questions or comments.

19 MS. TAURO: Hi, how are you? This is Janet
20 Tauro. Can you hear me?

21 MR. HOWE: Yes, Janet, we can hear you.

22 MS. TAURO: Oh, good. All right. I'm from New
23 Jersey Environmental Federation and from GRAMMIES and
24 we've had, you know, extensive relationship going back
25 and forth with NRC over Oyster Creek. So, I just wanted

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1 to -- so, yes, we have a couple of questions. And I just
2 want to refer back to when you opened the meeting and you
3 made, you know, a few statements. And you said that the
4 risk of flooding due to climate change and safety
5 requirements, that this has been reevaluated in terms of
6 climate change.

7 But I wanted to direct your attention to an
8 internet news article that was published on December 24th,
9 and the name of the publication is called "Truthout," and
10 the story was entitled, "Nuclear power plant flood risk,
11 Sandy was just a warmup."

12 So, I wanted to say I'm a little confused
13 because Neil Sheehan is quoted in the article. And I'll
14 read it for you. It said, "Sheehan, the NRC spokesperson
15 said the Agency has not factored in the effects of climate
16 change on nuclear plants for flood safety." According to
17 Sheehan, the new NRC Chief, Alison Macfarlane recently
18 told the Agency Staff that she wants to start taking into
19 account climate change in nuclear plant safety; however,
20 she has issued no official call, schedule or process to
21 include it in the NRC's current or future regulations.
22 "We're not at that point yet," Sheehan said. And Sheehan
23 was referring to Oyster Creek. So, I wanted to make that
24 point about Chief, have you factored in climate change
25 or not?

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1 Now, I don't know if you're going to answer
2 questions but that's certainly a question that we have.
3 Also now, in terms of taking into account Sandy and, you
4 know, the reality here of what it's like, I'm with
5 GRAMMIES and I'm with a group of GRAMMIES right now, and
6 all of us were greatly impacted by Sandy. Some of us are
7 even displaced and not able to live in our homes.

8 Our staff member, Peggy Sturfels, who is
9 with NJEF spoke directly with FEMA, the FEMA Regional
10 Director, and the Assistant Director, Bill Cullen. You
11 know, we were officially told that there is no formal
12 report updating evacuation taking into account Sandy,
13 and we were officially told that, in fact, the sirens did
14 not work before the storm, and as we know they didn't work
15 during the storm. So, I guess we're a little confused
16 about, you know, exactly what official reports you got
17 from FEMA saying all was well, and that the evacuation
18 plan is, in fact, in tact to reflect a post-Sandy reality
19 here.

20 I have another question. I don't know
21 whether or not any of you are going to answer it, but I'll
22 ask it. You know, since those sirens didn't work during
23 Sandy, and everyone living in that area -- many, I won't
24 say everyone but majority of people living in that area
25 had lost power so they did not have access to radio or

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1 television, cell phones couldn't be charged, the
2 internet. Had something happened, you know, those sirens
3 really would have meant the difference between life and
4 death.

5 I mean, to really serious think that you
6 could send some guy out with a bullhorn in the midst of
7 a tropical storm or hurricane with downed trees and
8 downed wires to alert the public to an emergency
9 certainly, I mean, really can anyone take that seriously?

10 So, I guess I'm asking will NRC require a
11 battery backup to the sirens at Oyster Creek? Certainly
12 in light of what happened during Sandy will you require
13 battery backup? I don't think that that's a lot for the
14 public to ask. How much could it cost? Do you even -- do
15 you know how much it costs? That would be interesting
16 because Exelon has said in the past in print it's too
17 expensive.

18 All right. Now, Richard did talk about the
19 UT testing, and was UT testing done on -- in the areas
20 where the collapse or the precursors to cracks were
21 found? And, again, you know, I'd like to reiterate that
22 the public would like to know if that UT testing was done,
23 where it was done, how extensive it was, will the results
24 be released? And, also, in reference to the pinhole leak
25 which was found in the recirculation pipe was UT testing

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1 performed there? Are there any other leaks, and how
2 extensive was the analysis?

3 And I'd also like to ask that in light of
4 what happened in the intake canal with the flooding was
5 there any permanent damage done? Was there -- did you go
6 into the canal and look? Has there been any analysis of
7 any damage in that area? And that also brings us to the
8 service pumps.

9 So, now the service pumps were almost
10 submerged or, you know, by how much, I guess, is in
11 question. But do you think the Agency -- that it behooves
12 the Agency to require Exelon to install submersible pumps
13 that would operate if they were submerged under water,
14 I mean, given now that we have climate change and that
15 we, you know -- you know, it really is -- well, if you
16 listen to the scientific community we will be having more
17 severe storms, and they will become more frequent. So,
18 do you think it would behoove the Agency to require Exelon
19 to install submersible pumps? Then we wouldn't have to
20 worry about it, that would operate under water. So, you
21 get water in the intake canal and it floods, you wouldn't
22 have to worry about the pumps because they'd operate.
23 Also, how much would they cost? We would like to know
24 that.

25 So, that's about it. I hear nothing but

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1 silence on your end, but thank you for this opportunity.
2 Thank you for having Richard and Paul there, and that's
3 it on our end. Thank you, Richard.

4 MR. HOWE: Thank you, Ms. Tauro. Yes, we've
5 been furiously jotting some notes down while you were
6 talking, so let me just stop here for a second and see
7 if there was anyone from the NRC Staff that had any
8 clarifying questions on your remarks or comments. Any NRC
9 Staff on the phone?

10 MR. HUNEGS: Yes, this is Gordon Hunegs from
11 Region I. We don't have any questions regarding Ms.
12 Tauro's questions.

13 MR. HOWE: All right, thank you. Are there
14 any other members of the public that would like to make
15 any comments or ask any questions at this point in time?

16 MS. STURMFELS: Yes, this is Peggy
17 Sturmfels. I'm with New Jersey Environmental Federation,
18 Clean Water Action. And I had a concern, I don't know how
19 you would put it as a question or how you're going to
20 address it, but here we've been told -- you know, Sandy
21 was -- has been identified as a Category I hurricane
22 and/or even Super Storm because you don't want to use the
23 word hurricane for damage purposes for insurance
24 collection, so that goes back and forth. So, we're
25 dealing with what they're saying Category I, the most

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1 hurricane.

2 Well, the design basis supposedly, my
3 understanding for this was to take a Hurricane Category
4 5. This certainly -- Category 5 would have wiped us all
5 out, and I'm really concerned that this design basis has
6 not been revised.

7 Also, the fact that going forward, you know,
8 the Barrier Islands which were really protective of the
9 coast and had a lot to do with protecting and keeping the
10 storm surge down, well, they're a mess. Some of them are
11 gone, and I'm wondering if the NRC has been taking that
12 into consideration in any kind of revision at all.

13 And I did speak with FEMA. I'll just say that
14 I -- they didn't send anyone from their group up in New
15 York down there. They had folks there on the ground who
16 were dealing with the evacuation of people during a
17 hurricane, not necessarily looking at the evacuation of
18 an nuclear power plant having problems in a hurricane.

19 We've got thousands and thousands of miles
20 of road and infrastructure gone, and we have people who
21 can't get even back to their homes yet. And the gas is
22 off in Seabright, in Point Pleasant, and going south. And
23 I just really curious as to what the NRC is doing in
24 looking at the aftermath also to go forward. Thank you.

25 MR. HOWE: All right, thank you. I'm sorry,

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1 I didn't catch your name. Could you repeat your name,
2 please?

3 MS. STURMFELS: Sure, Peggy Sturmfels,
4 S-T-U-R-M like in Michael, F like in Frank, E-L-S like
5 in Sam.

6 MR. HOWE: All right, thank you. I think
7 there was someone else who wanted to make some comments?

8 MS. GOTCH: Yes, Paula Gotch, GRAMMIES. The
9 overarching thing that disturbs me, and I'm sure a lot
10 of other people, is the lack of transparency and the lack
11 of due process for the public. We understand you have your
12 due process, and Exelon has their due process, but the
13 public -- the process of the public isn't due. And I'm
14 afraid since so much is hidden from the public, and I even
15 know that in Fort Calhoun things were hidden from the
16 public about the flood problem there years before that
17 flood hit. It was deliberately withheld. So, I'm afraid
18 this problem is so severe with the NRC right now that
19 nothing less than a Congressional oversight and more
20 -- in other words, I think we're going to have to go to
21 Congress. This is beyond belief that there is -- that the
22 public -- to hear you tell Mr. Webster that you can't ask
23 this, and we can't ask that, and where is his paper
24 showing why he's -- why we're upset about something is
25 because the stuff is at Exelon, and Mr. Lamb did not give

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1 is to us.

2 This is beyond belief, and I don't know if
3 the NRC is even capable of doing anything about this. Now,
4 I'm afraid we're just going to have to go to Congress.
5 That is my comment. Good afternoon.

6 MR. HOWE: All right. Thank you, Ms. Gotch.

7 MR. LACHAWIEC: Hello, my name is Joseph
8 Lachawiec. Can you hear me?

9 MR. HOWE: Yes.

10 MR. LACHAWIEC: Yes, good day, ladies and
11 gentlemen. Again, my name is Joseph Lachawiec, and it's
12 spelled L-A-C-H-A-W-I-E-C. I am a former two-term mayor
13 of the Township of Ocean which lies just to the south of
14 the plant. I'm also the Emergency Management Coordinator
15 for the town, and I have just been recently reelected to
16 a three-year term as a committeeman with 99 percent of
17 the vote.

18 The reason I'm calling is last time I was
19 on one of these webcasts was a few months ago where the
20 discussion had to do with dry cask storage. And I asked
21 the Commission or whoever the people there were whether
22 a local planning board should approve some 70 town houses
23 less than three-eighths of a mile away from dry cask
24 storage. And I was met with silence, and nobody said
25 anything. So, what the local planning board did was they

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1 approved the 70 houses some three-eighths of a mile
2 across the creek from the dry cask storage.

3 Now, my first question is, I was very
4 surprised when you said that the water level almost
5 reached a critical level of some sort at the plant. The
6 question is, what level did it reach in relationship to
7 the dry cask storage that is already there? And the
8 follow-up is whether the salt water is going to affect
9 any of the metal that is used to keep those dry casks in
10 place. That's my first question.

11 The next comment I have is that I'm 67-years
12 old, a military veteran, college graduate, and a Vietnam
13 veteran. And I want to tell you that during the Tet
14 Offensive in 1968, which we're coming up on an
15 anniversary, I wasn't as much scared then as I was when
16 I saw the storm surge coming at me from Super Storm Sandy.
17 If you have never experienced that, then take it from me,
18 I was damned scared. Okay?

19 And my concern is this, I've been around for
20 many years. What I find is that FEMA classifies flooding
21 as A Zones, and B Zones, and whatnot. I think one Zone
22 is a 100-year storm, and another zone is a 500-year storm.
23 Well, ladies and gentlemen, we've been having 100-year
24 storms more frequently, like every four or five years,
25 and we've been having these 500-year storms even more

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1 frequently, like every five, or eight, or nine years. And
2 I'll tell you, prior to Storm Sandy, I would have bet my
3 house that that storm level water would have never ever
4 gotten to where it was when we experienced it. I would
5 have bet my house, but now I'm afraid.

6 And the question very simply is this, FEMA
7 which is an arm of the federal government as you are tells
8 us now that we have a new zone called a V Zone, a
9 Vulnerability Zone. And any houses that are to be rebuilt
10 can no longer receive flood insurance unless they go some
11 five to eight feet higher than they were prior to this
12 new V Zone.

13 Now, the question is how does that impact
14 your dry cask storage, and how does that impact the fact
15 that the water level almost reached those critical points
16 that you talked about. I don't know they were pumps or
17 whatever they were.

18 And, next, I have a question about the fact
19 that after the water subsided the local building
20 inspector was around and started red tagging houses
21 because of any electrical outlets that were under water.
22 Well, I had a contractor come in prior to the guy arriving
23 and I had him replace the outlets before the inspector
24 could get there. And I showed him that they were all done,
25 so I didn't get red tagged. But the question is what

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1 happened at the plant? Was any electrical conduits, or
2 outlets, or anything under water, and did they all have
3 to get replaced? Because it's my understanding they might
4 work good now, but after a while salt water affects the
5 metal and it could cause fires and such.

6 Now, next, my problem is this, back in
7 November of 2010 the plant experienced severe tritium
8 leaks. And they have been going on for many years, and
9 from what I read in the paper it was basically hidden from
10 the public; in fact, hidden from you, too. In fact, in
11 the end the solution to the problem was solution by
12 dilution. In other words, a million or so gallons of
13 tritium was to be pumped into the intake of the plant and
14 then discharged into Oyster Creek and everyone would be
15 happy. But it was my understanding at the time it would
16 only be 1 million gallons. And I recently found that it
17 was up to four or five million gallons, and the pumping
18 was continuing.

19 So, the question is this, did the storm
20 surge reach those contaminated wells, and did it do
21 something like recontaminate all the water for the whole
22 area? Remember my town shares Oyster Creek with the
23 plant. And if you've got this tritium coming down the
24 plant, it acts just like water. And it flood people's
25 homes and everything, should they be concerned? That's

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1 a good question, I think.

2 And, next, we've been worried about the
3 plant for a long time. It's like an old car with a bad
4 motor. You know, you probably all had an old car with a
5 motor where you've got a lot of knocking in it. What do
6 you do for it? Well, you don't fix it, you don't put a
7 lot of money into it. You put a can or two of STP into
8 it and sell it somebody else. And in my personal opinion,
9 this is what's going on with this plant. You've got
10 band-aid approaches to everything.

11 And I'm fearful of the whole thing because
12 during Super Storm Sandy, we had to evacuate thousands
13 of people from the north side of Waretown along the creek.
14 And the evacuation route which we have applied for to the
15 State of New Jersey is called Volunteer Way, but that is
16 going to be the evacuation route in case something
17 happens at the plant. But we as a small town with a \$10
18 million budget, we don't have the money to spend two or
19 three million dollars to fix the road to put it in so that
20 we can get the people out if something goes wrong with
21 the plant, especially if another super storm comes and
22 floods the plant. Well, the tritium will be flooding all
23 the roads, and what are we to do? I mean, we just can't
24 die in place. I mean, that's not acceptable.

25 So, the last question I have is this. We've

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1 been told that the plant is going to be closed in 2019;
2 although, it's my understanding that you as a Commission
3 have not changed the licensing from 2029 to 2019. Unless
4 you tell me I'm wrong, it's still licensed to 2029, even
5 though I'm told it's supposed to close.

6 The question is this, can anyone tell me if
7 the plant is to be decommissioned in 2019, or is it merely
8 to be moth balled, because it's my understanding that
9 decommissioning means making it safe again as it was
10 before, even though it might take a long time. But moth
11 balling just means putting a lock on the gates and walking
12 away.

13 Now, I know I had a lot of questions and
14 maybe they weren't appropriate, but I'm only a common man
15 who lives here under the shadow of Oyster Creek, and now
16 under the influence of Super Storm Sandy, and maybe more
17 storms like that to come. So, I'm sorry if I asked too
18 many questions but maybe somebody can help me. Thank you.

19 MR. HOWE: Okay. Thank you, Mr. Lachawiec.
20 Let me stop again and see if anybody from NRC has nay
21 clarifying questions at this point in time. Okay.

22 MR. LACHAWIEC: Does that mean there is no
23 comments, or nothing?

24 MR. HOWE: We have been taking notes. We also
25 have a transcript of this meeting, and this is part of

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1 what we will evaluate as we consider what to do with the
2 petition.

3 MR. LACHAWIEC: Well, I wish you would let
4 me know because this is the same blank basic stare that
5 I got when I was in the webcast a few months ago regarding
6 the dry cask storage. And I never had anybody tell me is
7 it okay to build house three-eighths of a mile away from
8 dry cask, which they're only supposed to not leak for 25
9 years.

10 MR. HOWE: Like I said, we've noted your
11 questions and we will have the transcript. And as a part
12 of the output of this, we will provide feedback to the
13 Petitioner, who is Mr. Webster.

14 MR. LACHAWIEC: Thank you.

15 MR. HOWE: Are there any other members of the
16 public that have any comments or questions? Okay, we have
17 Mr. Gunter here.

18 MR. GUNTER: Thank you. My name is Paul
19 Gunter. I'm Director of Reactor Oversight Project for
20 Beyond Nuclear. I just want to supplement Mayor
21 Lachawiec's request with regard to the transparency of
22 reporting on Oyster Creek and the storm surge to include
23 that all electrical vaults that were below grade
24 containing electrical conduit not qualified for being
25 submerged, that this petition process include all

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1 reporting and Staff response to how the inspections for
2 these vaults with electrical cabling unqualified for
3 being submerged were cleared for restart. Thank you.

4 MR. HOWE: All right, thank you. Any other
5 comments at this time? Let me check and see if there is
6 anyone else on the phone lines. Okay, thank you, Mr.
7 Webster. I think you had one more comment that you wanted
8 to make.

9 MR. WEBSTER: Yes. I mean, I started off
10 talking about transparency and information flow and so
11 forth, and I think the public comment period has vividly
12 illustrated that people who have the most information say
13 absolutely nothing during these proceedings. The people
14 with the least information are the ones ironically who
15 are required to make the presentation and required to
16 respond to questions from those with the most
17 information.

18 All I can say is that this is a bizarre
19 process, and it doesn't appear to be one designed to shed
20 light on safety issues. It doesn't appear to be one
21 designed to make public participation as meaningful as
22 possible. I, therefore, trust that the Board will at
23 least attempt to fully address these questions and make
24 what is perhaps an imperfect process a little bit more
25 perfect. Thank you.

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1 MR. HOWE: All right, thank you. I want to
2 thank you, Mr. Webster, and also the members of the public
3 who have participated in this meeting today, and also for
4 the NRC Staff who has participated in this meeting.

5 Before we close, let me just ask the court
6 reporter, do you need any additional information at this
7 point in time to construct your transcript?

8 COURT REPORTER: At this time, sir, no, but
9 I will need a list of correct spellings of all the
10 participants who are participating in this call.

11 MR. HOWE: Okay. I think you shook your head
12 no, so I'll take that as a no.

13 COURT REPORTER: I'm sorry?

14 MR. HOWE: Okay. Again, thank you for being
15 here today, and at this point we will conclude the
16 meeting.

17 (Whereupon, the proceedings went off the
18 record at 12:16:09 p.m.)
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