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RE Entergy Nuclear Operations

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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

ENTERGY NUCLEAR OPERATIONS, INC.

+ + + + +

MONDAY

JULY 15, 2013

+ + + + +

The conference call was held, Michael C. Cheok, Chairperson of the Petition Review Board, presiding.

PETITIONERS: MARY LAMPERT

REBECCA CHIN

ARLENE WILLIAMSON

PAUL GUNTER

PETITION REVIEW BOARD MEMBERS

MICHAEL C. CHEOK, Deputy Director

Office of Nuclear Reactor Regulation

(NRR), Division of Engineering

RICHARD GUZMAN, Petition Manager for 2.206

petition

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NRC STAFF

TANYA MENSAH, Petition Coordinator, NRR,
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General Counsel

RAJENDER AULUCK, Japan Lessons Learned Project
Directorate

FRED L. BOWER, Acting Branch Chief, Region I

ELIZABETH M. KEIGHLEY, Project Engineer, Region I

NEIL A. SHEEHAN, Public Affairs, Region I

P R O C E E D I N G S

(1:03 p.m.)

1
2
3 MR. GUZMAN: Good afternoon. This is
4 Rich Guzman. I'll go ahead and get started with our
5 Petition Review Board teleconference with Petitioner
6 Mary Lampert, Pilgrim Watch.

7 Again, my name is Rich Guzman. I am the
8 project manager for Pilgrim Nuclear Power Station in
9 the Office of Nuclear Reactor Regulation. I'd like
10 to thank everyone for attending this meeting. The
11 purpose of today's teleconference is to allow the
12 Petitioner, Mary Lampert, and her associates, to
13 address the Petition Review Board or PRB regarding a
14 2.206 petition, dated June 14, 2013, concerning the
15 NRC orders on reliable hardened containment vent,
16 namely EA-12-050 and EA-13-109, and the
17 implementation of its provision by Entergy Nuclear
18 Operations, Inc. for Pilgrim Nuclear Power Station or
19 Pilgrim.

20 The teleconference is being recorded by
21 the NRC Operations Center and will be transcribed by
22 a court reporter. The transcript will become a
23 supplement to the petition and will also be made
24 publicly available.

25 Before I briefly go over today's agenda,

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1 I'd like to open the teleconference with
2 introductions. As we go around the room and bridge
3 line, please be sure to clearly state your name, your
4 position, and your office or organization for the
5 record.

6 I'll start off. Again, it's Rich Guzman.

7 I'm a project manager in NRR.

8 MS. SIMON: Marcia Simon, attorney in the
9 NRC Office of General Counsel.

10 MR. AULUCK: Rajender Auluck, project
11 manager in the Division of Japan Lessons Learned
12 Project Directorate.

13 CHAIRPERSON CHEOK: I'm Mike Cheok. I'm
14 the deputy director in Division of Engineering in
15 NRR.

16 MS. MENSAH: I'm Tanya Mensah. I'm the
17 Petition Coordinator in the Division of Policy and
18 Rulemaking in NRR.

19 MR. GUZMAN: That would complete
20 introductions at NRC headquarters. At this time are
21 there any NRC headquarters participants who have
22 dialed in on the phone? Okay, hearing none, will the
23 NRC participants from the regional office introduce
24 themselves?

25 MS. KEIGHLEY: This is Beth Keighley,

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1 project engineer from Region I.

2 MR. BOWER: Fred Bower. I'm the acting
3 branch chief in Region I.

4 MR. SHEEHAN: Neil Sheehan, Public
5 Affairs, Region I.

6 MR. GUZMAN: Okay, at this time will the
7 representatives for Entergy, the licensee for Pilgrim
8 introduce themselves?

9 Hearing none, Ms. Lampert, will you
10 please introduce yourself and your associates for the
11 record?

12 PETITIONER LAMPERT: Yes, this is Mary
13 Lampert, director of Pilgrim Watch and others on the
14 phone can introduce themselves.

15 PETITIONER CHIN: This is Rebecca Chin.
16 I co-chair the Duxbury Nuclear Advisory Committee.

17 PETITIONER WILLIAMSON: Arlene
18 Williamson, Pilgrim Coalition.

19 PETITIONER GUNTER: Beyond Nuclear.

20 MR. GUZMAN: Can you state your name for
21 Beyond Nuclear?

22 PETITIONER LAMPERT: I believe it's Paul
23 Gunter.

24 MR. GUZMAN: Okay.

25 PETITIONER GUNTER: Paul Gunter is on.

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

7 (No response.)

8 With that, for our court reporter, can
9 you also please state your name?

10 COURT REPORTER: This is Toby Walter from
11 Neal Gross. I'm the court reporter.

12 MR. GUZMAN: Okay, as a brief overview of
13 the agenda, this teleconference is scheduled from 1
14 o'clock to 2 o'clock p.m. Eastern Time. Following my
15 introduction, I will turn it over to the PRB Chairman
16 who will provide opening remarks and briefly
17 summarize the scope of the petition under
18 consideration. Ms. Lampert will then give her
19 presentation and finally, the PRB Chairman will
20 conclude the conference call with closing remarks.

21 I'd like to emphasize that we each need
22 to speak up clearly to ensure that the court reporter
23 can accurately transcribe the teleconference. Also,
24 if you have something you would like to say, please
25 state your name first for the record.

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1 For those dialing into the
2 teleconference, please remember to mute your phones
3 to minimize any background noise or distractions. If
4 you don't have a mute button this can be done by
5 pressing the key *6 and then to unmute press the *6
6 keys again. Thank you.

7 At this time, I'll turn it over to the
8 PRB Chairman Mike Cheok.

9 CHAIRPERSON CHEOK: Thanks, Rich. Good
10 afternoon, again. I would like to thank everyone and
11 I'd like to welcome you to this meeting regarding the
12 2.206 petition submitted by Mary Lampert.

13 First, let me share some background in
14 our process. Section 2.206 of Title 10 of the Code
15 of Federal Regulations describes the petition
16 process. This is the primary mechanism for the
17 public to request enforcement action by the NRC in
18 our public process. The process permits anyone to
19 petition the NRC to take enforcement-type action
20 related to the NRC licensees or licensee activities.

21 Depending upon the results of the evaluation, the
22 NRC can modify, suspend, or revoke an NRC-issued
23 license or take any other appropriate enforcement
24 action to resolve a problem.

25 The NRC staff's guidance for the

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1 disposition of a 2.206 petition is found in
2 Management Directive 8.11 which is publicly
3 available.

4 The purpose of today's teleconference is
5 to give the Petitioner an opportunity to provide any
6 additional explanation of the support for the
7 petition before the PRB's initial consideration and
8 recommendation.

9 This meeting is not a hearing, nor is it
10 an opportunity for Petitioner to question or examine
11 the PRB on the merits or the issues presented in the
12 petition request. No decisions regarding the merits
13 of this petition will be made at this teleconference.

14 Following this teleconference, the PRB
15 will conduct its internal deliberations. The outcome
16 of this internal meeting will be discussed with the
17 Petitioner. The PRB typically consists of a
18 chairman, usually a manager at the Senior Executive
19 Service level at the NRC. It has a petition manager
20 and a PRB coordinator. Other members of the Board
21 are determined by the NRC staff based on the content
22 of the information in the petition request.

23 At this time, I would like to introduce
24 the Board. I am Mike Cheok, the PRB chairman.
25 Richard Guzman is the petition manager for the

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1 petition under discussion today. Tanya Mensah is the
2 PRB coordinator. Our technical staff includes:
3 Rajender Auluck from the NRC's Japan Lessons Learned
4 Project Directorate; Fred Bower and Steve Schaffer
5 from the NRC Region I, Division of Reactor Projects.

6 We also obtain advice from the Office of General
7 Counsel represented today by Marcia Simon, and from
8 the Office of Enforcement which will be represented
9 by Bob Fretz.

10 As described in our process, the NRC
11 staff may ask clarifying questions in order to better
12 understand the Petitioner's presentation and to reach
13 a reasoned decision whether to accept or reject a
14 Petitioner's request for review under the 2.206
15 process.

16 Additionally, the licensee may ask
17 questions to clarify issues raised by the Petitioner.

18 I understand that the licensee is not on the phone
19 today.

20 Next, I would like to summarize the scope
21 of the petition under consideration and the NRC's
22 activities to date. On June 14, 2013, Ms. Lampert
23 submitted to the NRC a petition under 2.206
24 concerning NRC orders EA-12-050 and EA-13-109 related
25 to hardened containment vents for Pilgrim Nuclear

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1 Power Station.

2 In her petition, Ms. Lampert requests
3 that NRC immediately suspend the operating license of
4 Entergy Nuclear operations at Pilgrim Nuclear Power
5 Station until the provisions of the NRC orders are
6 fully implemented and until the containment vents at
7 Pilgrim are augmented with filters and rupture discs.

8 The Petitioner requests this enforcement
9 action on the basis that the existing design of
10 Pilgrim and other MARK 1 and 2 reactors that they are
11 not sufficient to protect the public health and
12 safety. The Petitioner also states that the NRC is
13 not meeting its statutory obligations by allowing
14 Pilgrim and other reactors with like design to
15 operate without fully implementing the requirements
16 of NRC orders.

17 In terms of NRC activities to date, the
18 PRB met on June 27, 2013 to review the Petitioner's
19 request for immediate action. The PRB concluded that
20 there is no immediate safety concern to Pilgrim or to
21 the health and safety of the public to warrant the
22 requested immediate action, that is, the immediate
23 suspension of the Pilgrim operating license. Ms.
24 Lampert was informed of this decision on June 28,
25 2013.

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1 Next is a reminder for phone
2 participants, please identify yourself if you make
3 any remarks as this will help us in the preparation
4 of the meeting transcript that will be made publicly
5 available.

6 Ms. Lampert, I will now turn it over to
7 you to allow you and your associates to provide any
8 information you believe the PRB should consider as
9 part of its petition.

10 PETITIONER LAMPERT: Yes, this is Mary
11 Lampert and thank you for the opportunity. We agree
12 that the NRC is statutorily required to adequately
13 protect public health and safety. That is not a
14 question.

15 I assume you agree with that. If you do
16 not agree with that, you would explain your reasons
17 why you don't agree and the decision.

18 This would seem to include requiring
19 measures so that the reactor will not blow up, breach
20 its walls, as occurred at Pilgrim sister reactors at
21 Fukushima, and measures to prevent and monitor
22 radiation in excess of allowable limits related to
23 the site.

24 Our petition provided, I believe, 14
25 direct quotes from EA-12-050 and EA-13-109 where both

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1 orders themselves admit that the status quo does not
2 protect public health and safety. If again you do
3 not agree with the statements quoted as being fully
4 accurate, or if you do not agree that what the order
5 said in this regard is inaccurate, I request that you
6 make your reasons clear in your written decision.

7 It's important to note what was said
8 contrary to the orders in an introductory letter by
9 Eric Leeds to licensee that accompanied the order.
10 It said "the NRC staff has determined that continued
11 operations does not pose an imminent risk to public
12 health and safety, however, the additional
13 requirements outlined in EA-13-109 are necessary in
14 light of insights gained from the events at Fukushima
15 Daiichi" page 2 of the letter. The key words are
16 "imminent risk" and "necessary."

17 Imminent as defined in the dictionary,
18 The Free Dictionary as "about to occur, impending as
19 an imminent danger." Dictionary.com: "likely to
20 occur at any moment." Webster: "ready to take
21 place." Oxford: "About to happen."

22 So therefore, the only sensible
23 interpretation of Eric Leeds use of the word
24 "imminent" could only mean that NRC staff has
25 determined that continued operation does not pose a

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1 risk to public health and safety, that it's likely to
2 occur at any moment, any time soon because NRC
3 believes, despite Fukushima, that we assume the
4 Japanese believed there was no imminent risk until it
5 happened despite the fact that Pilgrim is the same
6 design as Fukushima's reactors, despite the fact that
7 Pilgrim has many, many times more spent fuel in its
8 pool than Unit 4 and despite the fact that Pilgrim
9 has had 13 event reports since January 1st of this
10 year, the most recent, the malfunctioning of the
11 annunciators in the control room that is they were
12 flying blind. Despite all that, none of this is
13 going to happen for six or so years. In other words,
14 NRC is crossing their fingers. What else could it
15 mean?

16 To boot, the order says these events are
17 necessary. To use Eric Leeds' words "to protect
18 public health and safety." That means now, tomorrow,
19 next week, a year from now, two years from now that
20 there indeed can be a problem where the vent would be
21 required to operate and where hopefully if they did
22 operate, they would be filtered so that my house, six
23 miles across open water from Pilgrim, would not be
24 rendered worthless and the health of my community at
25 grave risk.

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1 The order also says in regard to venting
2 from the wetwell that in regard to filtering for Mark
3 I containment the preferred venting path is from the
4 wetwell portion of the containment because the water
5 in the suppression pool provides a degree, key word,
6 degree, of decontamination before release to the
7 environment. EA-13-109 at 7.

8 A degree of contamination from venting
9 the wetwell was explained in our petition at pages 6
10 through 7. The wetwell vent can release anywhere
11 from zero to close to 99 percent via scrubbing. We
12 noted that throughout the world reactors, licensees
13 either have a filter or like the Japanese have chosen
14 to install a filter because they learned the lessons
15 from their accidents, despite the fact that they have
16 scrubbing, so it's in addition to which is what the
17 Petitioners are requesting.

18 On the other hand, the proposed drywell
19 vent obviously has no scrubbing, so it will not
20 filter any releases. Therefore, we believe that it
21 is accurate to say if venting occurs, public health
22 and worker health will be negatively impacted. If
23 you don't believe this, please explain in your
24 written response.

25 The order also discusses NRC's process

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1 for further reviewer action on filtering. It says at
2 5: "issues relating to filtering will be addressed
3 through the rulemaking process."

4 I have a couple of questions regarding
5 the rulemaking process based on NRC Atomic Safety and
6 Licensing Board Judge Rosenthal's conclusion made
7 during the prehearing in Boston that I brought
8 challenging EA-12-050. He said "that with one
9 possible exception, the NRC has not granted a Section
10 2.206 petition that substantive relief is sought for
11 at least 37 years." Key word, substantive.
12 Therefore, we would like to know and have it
13 explained in your response what the NRC's track
14 record for granting the full substance sought in any
15 rulemaking petition. And second, what is the range
16 of time it has taken to issue a full decision on a
17 rulemaking petition? You could say this is important
18 to me. I am 71 years old. I cannot wait 10, 20 or
19 whatever the range in time it is for NRC to respond
20 to a rulemaking petition, number one.

21 And also, it is important to know how
22 successful this is. We find that we are offered
23 opportunities to file a 2.206 which I am doing, but
24 the chances of success there are close to zero.
25 Rulemaking petitions during the prehearing in Boston

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1 on EA-12-050, the licensee's lawyer said in the
2 transcript that forget rulemaking petitions being
3 appropriate avenue because they take too long and
4 everybody laughed. These are important questions.

5 We also asked in the petition that the
6 vent remain captive. Attachment 2 of the order, that
7 is 13-109 says in this regard HCVS functional
8 requirement at 1.1.1 "the HCVS shall be designed to
9 minimize the reliance on operator action." I would
10 ask whether you agree that a rupture disc would, in
11 fact, minimize the reliance on operator action to the
12 extent of eliminating operator actions making the
13 system passive. What does minimize mean at 1.1.1?
14 Please explain in your decision. How is that
15 sufficient when operator actions may not work out in
16 a sufficiently timely manner and when the order
17 itself say sin reference to Fukushima at 2 "in
18 particular, the operators were unable to successfully
19 operate the containment venting system. These
20 problems with venting the containment contributed to
21 the hydrogen explosion that destroyed the reactor
22 building. The loss of various barriers led to the
23 release of radioactive material that further hampered
24 operator efforts to arrest the accident." Not
25 sufficient.

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1 In regard to implementation, the orders
2 require implementation of Phase 1 at the outset, 5
3 years; Phase 2, 6 years. So this leaves us to wonder
4 the following and hopefully it will be explained in
5 your response. When the orders are implemented, we
6 want to know whether the licensee, the reactor has to
7 be shut down and for how long? We also want an
8 understanding, it would seem that they would be
9 required in our mind to send a plan to the NRC which
10 shouldn't take forever, and for approval, then order
11 the parts and install when the parts arrive. If the
12 NRC were to tell Pilgrim's owners to start fixing the
13 issue now and Pilgrim's owners cooperated, went to
14 work as quickly as possible, and continued to work
15 diligently on the fix until it was completed, how
16 long would it take? In other words, what is the
17 justification for six years?

18 I have talked to some engineers such as
19 Dave Lochbaum who did work with you guys and asked
20 how long would it take? He said there would be a
21 range, but about two years should be doable. If that
22 is not the case, can you explain and I think you have
23 an obligation to explain why the six years? Not
24 requiring full implementation until six years said to
25 me and I think it says to our community that the NRC

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1 is simply crossing its fingers, saying a few prayers,
2 hoping for the best, and that is no assurance,
3 clearly, that you are fulfilling your statutory
4 obligations to protect public health and safety.

5 We want to know specifically sometimes
6 the PRB's written response denying or denying in part
7 2.206 petition are less than substantive. There are
8 feel good, general words.

9 I would hope that (a) you will reconsider
10 and not deny in full the petition; and whatever your
11 response be, that it's substantive, so you answer the
12 important questions, you answer the important
13 questions of if the orders themselves say public
14 health and safety is required by these orders, how
15 health and public safety is being protected now? It
16 makes no sense. A reasonable person would say look,
17 it doesn't take six years to get this going. A
18 reasonable person would say in regard to filtering a
19 rule change petition is something I will never live
20 long enough to see. It does not provide any
21 satisfaction or redress to petitioners as most 2.206
22 petitions were shown by Judge Rosenthal's
23 investigation not to either.

24 We hope that since Fukushima that we will
25 see a change which the recommendation of Option 3 to

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1 the Commissioners indicated. If you have any
2 questions, I'd be happy to answer or others on the
3 call might want to make a comment. And again, thank
4 you for the opportunity.

5 CHAIRPERSON CHEOK: Thank you, Ms.
6 Lampert. Let me start with the staff in the room at
7 headquarters if you have any questions? Does anybody
8 have any questions?

9 (No response.)

10 CHAIRPERSON CHEOK: We have no questions
11 in this room. Does anybody participating by phone --
12 do we have any questions from the regions for Ms.
13 Lampert.

14 MR. BOWER: No question from Region I.

15 CHAIRPERSON CHEOK: Thank you. Are there
16 any members of the public who would like to provide
17 comments regarding the petition and to ask questions
18 about the 2.206 process?

19 PETITIONER GUNTER: Yes, this is Paul
20 Gunter, Beyond Nuclear.

21 CHAIRPERSON CHEOK: Go ahead, Paul.

22 PETITIONER GUNTER: The petition requests
23 that the NRC Petition Review Board respond in writing
24 to its questions. I'd like to get a response from
25 you as to how you determine how thorough your answer

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1 in writing is determined?

2 PETITIONER LAMPERT: May I make a
3 question there? I did not ask for a response in
4 writing, specifically to my questions. I
5 specifically asked in the written response regarding
6 the petition from the PRB that they address every
7 question and issue I brought forward.

8 PETITIONER GUNTER: Okay, I'm happy to
9 reframe the question as Ms. Lampert has provided.
10 But again, how do you -- my question is the petition
11 is expecting a written response in answer to these
12 questions. My question to you is how do you
13 determine by what criteria do you determine your
14 level and thoroughness of response?

15 MS. MENSAH: This is Tanya Mensah and I'm
16 not sure who asked the question, but I'm the 2.206
17 coordinator for the process. If you look in the
18 Management Directive, there are a couple of exhibits
19 that are contained in the back for either closure
20 letters or acknowledgement letters. Now the level of
21 detail that is provided depends on what phase of the
22 process you're in. So generally, when we're at this
23 phase in the process, the PRB is looking at the
24 information that the Petitioner has provided to
25 determine if it meets the criteria for review. If it

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1 meets the criteria for review, normally that letter
2 will just say we are expecting it for review. I mean
3 in terms of questions there are some coordination
4 that we consider if the Petitioner had questions that
5 perhaps have already been addressed through our
6 Office of Public Affairs. We try not to duplicate
7 work that other offices in our agency are currently
8 pursuing. And so if we've already addressed certain
9 questions, you may be receiving feedback that because
10 we've addressed these through our Office of Public
11 Affairs, here are the specific answers to those
12 questions.

13 In some cases, it depends on information
14 that the Petitioner has provided. I mean it's really
15 hard for me to say from a generic point of view
16 because each petition is different. But the sense
17 that I'm getting from Ms. Lampert here is that she
18 has specific facts as documented in her petition, but
19 then there are also specific questions and the
20 answers specifically depend upon what you see here in
21 the exhibits as far as what our criteria are where we
22 explain our bases.

23 Now what we have done is Ms. Lampert or
24 any Petitioner per our process will receive an
25 initial recommendation which is provided by petition

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1 manager. And then the PRB's goal is to explain what
2 the basis is addressing all aspects of the submittal.

3 Generally, what we have received in the past is that
4 if the Petitioner believes that well, I don't
5 understand or this doesn't address the concerns I
6 had, then the PRB can expand at that point and then
7 typically we might even have a second call or a
8 meeting with the Petitioner to make sure that the PRB
9 is explaining itself and what its basis is for its
10 recommendation.

11 PETITIONER GUNTER: I'm Mary Lampert, let
12 me make clear that passing the buck to Public Affairs
13 would be totally unacceptable and it would just
14 reinforce the perception that NRC is following the
15 same path as identified by Judge Rosenthal which
16 would be a very sad comment and I would like to
17 believe otherwise.

18 If there isn't a full disclosure of why
19 the Board has decided what it should do by providing
20 facts, providing references, then we get no
21 satisfaction. I'm thinking back to the Vilotty, for
22 example, where it was suggested there that Vilotty,
23 instead of challenging the sufficiency of an order,
24 had other avenues, had the 2.206 petition. Well, we
25 want to see that that is, in fact, an avenue.

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1 The idea of a rulemaking petition for
2 filtering when it doesn't take a mental genius and
3 the NRC staff themselves appreciated the importance
4 of filtering to put any bets on how that's going to
5 turn out. So if we're going to make progress, if the
6 NRC is going to start to regain any faith in itself
7 by the public, I think the request for full response
8 and opportunity is required. I'm sorry, Paul, for
9 interfering.

10 PETITIONER GUNTER: No, I think it's all
11 clarification. It's our concern that as the NRC
12 addresses the 2.206 review process, if it is
13 dismissing the petition concerns and direct
14 questioning, we're expecting that you're going to
15 provide citations, not generic dismissals. And I
16 think this is particularly important in context that
17 this is all public health and safety related and a
18 part of your stated mission that you uphold that
19 first. So we're expecting citations to the dismissal
20 of the petition's direct questions to you and the
21 technical issues that these questions represent.

22 PETITIONER LAMPERT: Mary Lampert.
23 Specifically, if the orders themselves said the order
24 is necessary to protect public health and safety, how
25 can it mean that between now and six years not to

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1 worry? So therefore, we're standing naked just at
2 Pilgrim without the annunciators. We're flying blind
3 in the interim. Now there has to be a step-by-step,
4 well thought out response to us if you disagree with
5 what the order says. It defies common sense.

6 PETITIONER WILLIAMSON: This is Arlene
7 Williamson from Pilgrim Coalition. What I would like
8 to ask is how can you basically say the public is in
9 danger or not in danger, but would be safer if you
10 implemented EA-12-050 and EA-13-109, what are your
11 reasons for waiting six years to do something that
12 clearly will protect the public if an event occurred?

13 In fact, Mary had mentioned there was an
14 occurrence that happened today, as a matter of fact,
15 and we hear about these things and being very close
16 to this reactor I'm concerned as to why you would
17 issue something and then clearly avoid putting any
18 implementation for six years when it's something as
19 serious as this. And that's why we don't have faith
20 in the NRC is because your boards recommend doing
21 things and things just either are delayed or they're
22 not taken into consideration and I'd like to know why
23 you would give these GE Mark I boiling reactors all
24 over the country six years to do anything. Thank
25 you.

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1 PETITIONER LAMPERT: Mary Lampert. I'd
2 like to make a statement to qualify. This is not
3 about making them safer. Because that implies
4 they're safe now.

5 PETITIONER WILLIAMSON: Exactly.

6 PETITIONER LAMPERT: I haven't finished.
7 And the orders clearly do not say that. 12-050,
8 reliable hardened venting systems in the BWR
9 facilities of Mark I and Mark II containment are
10 needed to ensure that adequate protection of public
11 health and safety is maintained.

12 Further, the Commission has determined
13 that ensuring adequate protection of public health
14 and safety required. Further, these measures are
15 necessary to ensure adequate protection of public
16 health and safety at 7. Additional requirements must
17 be imposed at 4. Then you go to EA-13-109,
18 implementation of the order were necessary to provide
19 reasonable assurance of adequate protection of public
20 health and safety. And then there are one, two,
21 three, four, five, six further quotes. It's not a
22 matter of making them safer. It's a matter that they
23 are not safe now.

24 CHAIRPERSON CHEOK: This is Mike Cheok.
25 Thanks for your comments. I understand your comments

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1 that the reactors are not safe now and that you want
2 the staff to address why we think the reactor, the
3 plant should continue to operate.

4 PETITIONER LAMPERT: And also why six
5 years? Things can be put on a fast forward and also
6 when they finally, if we have no satisfaction, if you
7 will, and you finally after six years it's going to
8 happen, how long is it going to take Pilgrim to
9 actually do it when they get off the dime, and if so
10 how long? They're going to have to shut down when
11 they get near the six year drop dead point. Why
12 can't they do that now? Why can't they give you the
13 plan? Why can't you be on their neck? We want to
14 know what you're going to do. We're going to discuss
15 it, this is what we think. Order the parts and get
16 off the dime to provide what you're required to do
17 which is assurance of public health and safety which
18 the orders say do not exist now.

19 MS. MENSAH: Ms. Lampert, this is Tanya
20 Mensah again. I just had a quick question for you
21 and I don't have the transcript in front of me, so
22 forgive me if I misquoted you, but I thought I heard
23 you mention earlier that you spoke with or you
24 coordinated with an engineer or somebody that you
25 knew regarding the orders?

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1 CHAIRPERSON CHEOK: That was Dave
2 Lochbaum.

3 MS. MENSAH: Dave Lochbaum, okay, and you
4 said that they were recommending that at the most it
5 should take two years?

6 PETITIONER LAMPERT: There was a range
7 and it certainly seemed possible to do it within a
8 couple of years.

9 MS. MENSAH: Okay.

10 PETITIONER LAMPERT: The only issue, let
11 me get it back from my screen would be if they had to
12 go back in the containment that would take longer to
13 check fittings, how things fit. Not six years.

14 MS. MENSAH: Okay, my line of questioning
15 was just intended to see if you had additional facts
16 provided through that source as to the basis for that
17 two-year time frame and any other details that could
18 be provided to the PRB?

19 PETITIONER LAMPERT: I'll get back to
20 Dave and shoot it out to you.

21 PETITIONER GUNTER: This is Paul Gunter
22 again.

23 CHAIRPERSON CHEOK: Go ahead, Paul.

24 PETITIONER GUNTER: Just to add to the
25 response to Tanya's question about the timing and the

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1 concern for what the public views as stonewalling.
2 The direct torus vent system that is currently
3 installed on most Mark Is with the exception of
4 Fitzpatrick, the installation times were on the order
5 of two years beginning in 1987 or so with Pilgrim
6 installing a DTVS on the wet well and then by Generic
7 Letter 89-16, this was followed up in two-year repair
8 cycles or backfit cycles to install the direct torus
9 vent system.

10 So by the NRC's own records we've seen
11 these installation times to be a much shorter
12 duration and it's more particularly egregious that
13 the Mark I, Mark II plants in Japan have already
14 reached agreement with AREVA for the installation of
15 severe accident capable filtered vents on their
16 boiling water reactors. So the public is pretty
17 shocked by the fact that the NRC intends to
18 deliberate a minimum of six years. These time frames
19 often slip and you know while we see engineered high-
20 capacity filtered systems being installed by
21 contractual agreements to date between AREVA and the
22 Japanese boiling water reactor fleet. So it's
23 particularly of concern, as this petition notes, that
24 these time frames do not represent reasonable
25 assurance for protecting public health and safety on

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1 unreliable systems that are operating today.

2 PETITIONER LAMPERT: Yes, I would add to
3 that, Mary Lampert. I'd add also for your
4 consideration if I were Entergy, I would draw this
5 process out, whine and moan and groan and come up
6 with my engineer's guesses, estimates on how long all
7 this is going to take. And why? Because Pilgrim,
8 like Fitzpatrick, like Vermont Yankee, are not
9 competing in this deregulated electric market here
10 where the price is being set by cheaper sources of
11 electricity. So the rumor mill is that they're even
12 wondering whether they're going to be around very
13 long and I think the NRC has to be cognizant of this
14 and not kowtow to it.

15 The issue is not let's not make the
16 industry spend money and get moving ASAP which is
17 possible because you know, who knows? They might be
18 closing so all that money for naught. So again,
19 whose side are you on? We'd like to believe, we
20 hope, on the public side on satisfying your statutory
21 requirements.

22 CHAIRPERSON CHEOK: Okay, thanks. This
23 is Mike Cheok again. I understand your comment that
24 six years for implementation is too long and that you
25 would like to see the NRC act in a faster manner.

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1 Are there other comments?

2 PETITIONER CHIN: Yes, this Rebecca Chin,
3 Town of Duxbury. I spoke seven years ago on this
4 topic at an Atomic Energy Licensing Board hearing in
5 Plymouth and the same song is being sung today.
6 We're concerned with our public health, safety and
7 our regional economy. And we understand that
8 unfiltered venting has been judged unsafe by all
9 regulatory agencies outside of the United States,
10 even back then. And if we are the only ones that are
11 sitting on our hands and waiting, that's not okay.
12 And we do expect prompt attention to this requirement
13 for Pilgrim and that they do act upon it
14 expeditiously and we do want filters and automatic
15 passive vents.

16 We're aware that the purpose of
17 containment is to provide a barrier between the
18 lethal radiation inside the reactor and the public.
19 And if something is going wrong inside that reactor
20 and venting is called for, you're going to blow
21 everything you can right up the stack, unfiltered and
22 unmonitored, and that is not okay.

23 PETITIONER LAMPERT: Mary Lampert.
24 Another thing that is not okay, when the most recent
25 order 13-109 explained that if it's necessary to add

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1 water because you're now having melt, that in fact
2 the vent that is at Pilgrim right now would be
3 inoperable. And so therefore absent the capability
4 to vent that the order itself described, we're in
5 trouble, because if our reactors explode, it's not
6 good for the neighborhood. And you have identified
7 the problem that why venting is required and then say
8 okay, you have a vent in the wet well, but that might
9 not work in certain circumstances. So in plain
10 English, you're screwed. Not to mention the problem
11 of the lack of filter, lack of passivity that you
12 describe in the order is and was a problem at
13 Fukushima. So we don't understand why these issues
14 are hard. And we expect a full explanation with
15 references, not generalities.

16 I'm sorry if I sound perhaps a little
17 emotional or angry. I've been doing this for over 25
18 years. That could explain it. It's not because I
19 dislike or even know who you are. It is just the
20 seriousness of the issue and total frustration with
21 NRC. So I hope you understand it's nothing personal.

22 PETITIONER GUNTER: This is Paul Gunter.

23 One quick final question. Again, with regard to the
24 specificity that the Petition Review Board should
25 respond to the Petitioners' concerns, Ms. Lampert has

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1 outlined the petition's concern for the level of
2 adequacy of protection to public health and safety on
3 current operations with a drywell vent, as she's
4 pointed out would be relied upon when the wet well
5 vent was precluded by flooding of the drywell as a
6 result of part of the operator actions.

7 So the Petitioners are concerned about
8 the specifications on the drywell ductwork system
9 that would then be relied upon. And we're requesting
10 a level of specificity in response to these concerns
11 that would provide the pressure ratings on the
12 drywell ductwork which is currently not a hardened
13 system that would be relied upon for public health
14 and safety response if and when that wet well vent
15 would be precluded from use by your own operations.

16 I think you owe the public the level of
17 transparency to show exactly how robust your
18 oversight is of these technical specifications.

19 CHAIRPERSON CHEOK: Okay, this is Mike
20 Cheok. Let me summarize again. I think the comment
21 that was in dispositioning the petition, the request
22 is for the NRC to be specific in terms of -- and to
23 be open in terms of documenting what our reasons for
24 the dispositioning of the petition.

25 PETITIONER GUNTER: With specificity.

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1 CHAIRPERSON CHEOK: Thank you.

2 PETITIONER LAMPERT: That's one issue.
3 And let's not forget the basic issue which is the
4 request actually made in the petition. There are
5 three. One involves passivity. One involves
6 filtration. And the other involves the time.

7 CHAIRPERSON CHEOK: Good thank you. Any
8 additional comments? Okay, thank you. Ms. Lampert
9 and all the Petitioners on the call, thank you again
10 for taking your time out to provide us with your
11 comments and with clarifying information.

12 Before we do close though ,does the court
13 reporter need any additional information for the
14 meeting transcript?

15 COURT REPORTER: This is the court
16 reporter. No, I do not need any additional
17 information.

18 CHAIRPERSON CHEOK: Okay, well, this
19 meeting is concluded and we will be terminating the
20 connections. Thanks, again.

21 PETITIONER LAMPERT: Thank you and thanks
22 to the court reporter.

23 (Whereupon, at 1:56 p.m., the
24 teleconference in the above-entitled matter was
25 concluded.)

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