

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition Review Board RE  
Hardened Containment Vents

Docket Number: 05000293

Location: Teleconference

Date: Tuesday, September 10, 2013

Edited by Richard V. Guzman, NRC Petition Manager

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Pages 1-37

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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

HARDENED CONTAINMENT VENTS  
PILGRIM NUCLEAR POWER STATION

+ + + + +

TUESDAY

SEPTEMBER 10, 2013

+ + + + +

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

PETITIONER: MARY LAMPERT

PETITION REVIEW BOARD MEMBERS

MICHAEL CHEOK, Deputy Director, Division of Engineering

RICHARD GUZMAN, Petition Manager for 2.206 petition

JOSEPH GILMAN, Office of General Counsel

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NRC HEADQUARTERS STAFF

RAJENDER AULUCK, Technical Lead, Japan Lessons-Learned  
Project Directorate, NRR

JEROME BETTLE, Technical Lead, Containment &  
Ventilation Branch, NRR, DSS

TANYA MENSAH, Petition Coordinator, Division of Policy  
and Rulemaking, NRR

BILL RECKLEY, Branch Chief, Japan Lessons-Learned  
Project Directorate, NRR

NRC REGION I OFFICE

STEVE SHAFFER

ALSO PRESENT

JOE LYNCH, Entergy

REBECCA CHIN, Duxbury Nuclear Advisory Committee

BILL MAURER, Cape Downwinders

MARGARET SHEEHAN, Project for Energy Accountability

DIANE TURCO, Cape Downwinders

ARLENE WILLIAMSON, Pilgrim Coalition

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TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Opening Remarks of PRB Chairman

By Michael Cheok . . . . . 8

Remarks of the Petitioner & Associates . . . . .12

Adjournment . . . . . 37

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

10:02 a.m.

1  
2  
3 MR. GUZMAN: Good morning. I'd like to  
4 just go ahead and get started with today's  
5 teleconference. Okay. Again, my name is Rich Guzman,  
6 a project manager in the Office of Nuclear Reactor  
7 Regulation. I'd like to thank everyone for attending  
8 this meeting.

9 The purpose of today's teleconference is  
10 to allow the petitioner, Mary Lampert, and her  
11 associates to address the Petition Review Board, or  
12 PRB, in light of its initial recommendations regarding  
13 the 2.206 petition dated June 14th, 2013 and  
14 supplemented on July 26th, 2013 concerning the NRC's  
15 orders EA-12-050 and EA-13-109 related to hardened  
16 containment vents for Pilgrim Nuclear Power Station.

17 The teleconference is being recorded by  
18 the NRC Operation Center and will be transcribed by a  
19 court reporter. The transcript will become a  
20 supplement to the petition and will also be made  
21 publically available.

22 Before I briefly go over today's agenda,  
23 I'd like to open the teleconference with  
24 introductions. And as we go around the room and  
25 bridge line, please be sure to clearly state your

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1 name, your position, and your office or organization  
2 for the record.

3 I'll go ahead and start off. Again, this  
4 is Rich Guzman, project manager in the Office of  
5 Nuclear Regulation.

6 MS. MENSAH: Tanya Mensah, 2.206  
7 coordinator in the Office of Nuclear Reactor  
8 Regulation.

9 MR. GILMAN: Joe Gilman in the Office of  
10 the General Counsel.

11 CHAIR CHEOK: I'm Mike Cheok. I'm the  
12 deputy director in the Division of Engineering in the  
13 Office of NRR.

14 MR. BETTLE: Jerome Bettle, NRR,  
15 Containment and Ventilation Branch.

16 MR. AULUCK: Raj Auluck, Japan Lessons-  
17 Learned Directorate, NRR.

18 MR. GUZMAN: And we've completed  
19 introductions at NRC headquarters, at this time are  
20 there any NRC headquarter participants who have dialed  
21 in on the phone? Okay. Will the NRC participants  
22 from the regional office introduce themselves?

23 MR. SHAFFER: Hi. This is Steve Shaffer,  
24 Division of Reactor Projects, Region I.

25 MR. GUZMAN: All right. And the

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1 representative for Entergy, the licensee for Pilgrim?

2 MR. LYNCH: This is Joe Lynch, licensing  
3 manager, Entergy, Pilgrim Station.

4 MR. GUZMAN: Ms. Lampert, would you please  
5 introduce yourself and your associates for the record?

6 MS. LAMPERT: Yes. This is Mary Lampert,  
7 director of Pilgrim Watch, the petitioner. The  
8 others, I believe, should introduce themselves, or do  
9 you want me to introduce them?

10 MR. GUZMAN: Either way is fine.

11 MS. LAMPERT: Why don't you introduce  
12 yourselves, please?

13 MS. WILLIAMSON: Arlene Williamson,  
14 Pilgrim Coalition.

15 MS. CHIN: Rebecca Chin, the Nuclear  
16 Advisory Committee for the town of Duxbury.

17 MS. TURCO: Diane Turco, Cape Downwinders.

18 MR. MAURER: Bill Maurer, Cape  
19 Downwinders.

20 MS. SHEEHAN: Margaret Sheehan, attorney  
21 and director of the Project for Energy Accountability  
22 based in Cambridge, Massachusetts.

23 MR. GUZMAN: Okay. And it is not required  
24 for members of the public to introduce themselves for  
25 this call. However, if there are any members of the

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1 public on the phone that wish to do so at this time,  
2 please state your name for the record.

3 And for the record, we do have another  
4 individual here at NRC headquarters.

5 MR. RECKLEY: Bill Reckley from NRR's  
6 Japan Lessons-Learned Directorate.

7 MR. GUZMAN: And for our court reporter,  
8 can you also please state your name?

9 COURT REPORTER: This is Sam Wojack, the  
10 court reporter.

11 MR. GUZMAN: Thank you. All right. As a  
12 brief overview of the agenda, the teleconference is  
13 scheduled from 10 a.m. to 11 a.m. Eastern time.  
14 Following my introduction, we'll turn it over to the  
15 PRB Chairman, who will provide opening remarks and  
16 briefly summarize the scope of the petition under  
17 consideration. Ms. Lampert will then give her  
18 comments in light of the PRB's initial recommendation.  
19 And, finally, the PRB Chairman will conclude the  
20 conference call with closing remarks.

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

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1 record.

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

6 And then to unmute, press the \*6 keys again. Thank  
7 you.

8 And at this time, I'll turn it over to the  
9 PRB Chairman, Mike Cheok.

10 CHAIR CHEOK: Good morning again, and  
11 thank you for joining us at this meeting regarding the  
12 2.206 petition submitted by Mary Lampert. I would  
13 like to first share some background on our process.

14 Section 2.206 of Title 10 of the Code of  
15 Federal Regulations describes the petition process.  
16 This is the primary mechanism for the public to  
17 request enforcement action by the NRC in a public  
18 process. The process permits anyone to petition the  
19 NRC to take enforcement type action related to NRC  
20 licensees or licensed activities. Depending on the  
21 results of this evaluation, NRC could modify, suspend,  
22 or revoke an NRC-issued license or take any other  
23 appropriate enforcement actions to resolve the  
24 problem.

25 The NRC staff's guidance for the

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1 disposition of 2.206 petitions is documented in  
2 Management Directive 8.11, which is publically  
3 available.

4 The purpose of today's teleconference is  
5 to give the petitioner an opportunity to address the  
6 PRB with additional explanation and support for the  
7 petition in light of the PRB's initial recommendation,  
8 which was communicated to the petitioner on August  
9 22nd, 2013. I'll note that this meeting is not a  
10 hearing, nor is it an opportunity for the petitioner  
11 to question or examine the PRB on the merits or the  
12 issues presented in the petition request.

13 No decisions regarding the merits of this  
14 petition will be made during the teleconference.  
15 Following this teleconference, the PRB will conduct  
16 its own deliberations. The outcome of this internal  
17 deliberation will be discussed with the petitioner.

18 The PRB typically consists of a chairman,  
19 usually a member of the Senior Executive Service level  
20 at the NRC. It has a petition manager and a PRB  
21 coordinator. Other members of the Board are  
22 determined by the NRC staff based on the content of  
23 the information in the petition request.

24 At this time, I would like to introduce  
25 the Board. I am Mike Cheok, the PRB Chairman. Rich

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1 Guzman is the petition manager for the petition under  
2 discussion today. Tanya Mensah is the 2.206  
3 coordinator. Our technical staff includes Bill  
4 Reckley and Raj Auluck from NRR's Japan Lessons-  
5 Learned Project Directorate.

6 PRB also includes Jerome Bettle from NRR's  
7 Containment and Ventilation Branch, Steve Shaffer from  
8 NRC's Region I Division of Reactor Projects. We also  
9 obtain advice from the Office of General Counsel,  
10 represented by Joe Gilman.

11 As described in our process, NRC staff may  
12 ask questions to clarify the petitioner's request.  
13 After this discussion, the PRB will consider the need  
14 to modify any of its recommendations. The final  
15 recommendations will be included in a letter.

16 Next, I would like to summarize the scope  
17 of the petition under consideration and NRC activities  
18 to date. On June 14th, 2013, Ms. Lampert submitted to  
19 the NRC a petition under 2.206 concerning the NRC  
20 orders EA-12-050, EA-13-109, related to hardened  
21 containment vents for Pilgrim Nuclear Power Station.

22 In her petition, Ms. Lampert requests that  
23 the NRC immediately suspend the operating license of  
24 the Pilgrim Power Station until the provisions of  
25 NRC's orders are fully implemented and until the

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1 containment vents at Pilgrim are augmented with  
2 filters and rupture discs. The petitioner requests  
3 this enforcement action on the basis that existing  
4 design of Pilgrim is not sufficient to protect the  
5 public health and safety. The petition also states  
6 that the NRC is not meeting its statutory obligations  
7 by allowing Pilgrim and other reactors of like design  
8 to operate without fully implementing the requirements  
9 of the NRC orders.

10 The NRC's activities to date. The PRB met  
11 on June 27th, 2013 to review the petitioner's request  
12 for immediate action. The PRB concluded that there is  
13 no immediate safety concern at Pilgrim or to the  
14 public health and safety to warrant the request of  
15 immediate action.

16 Ms. Lampert also informed, Ms. Lampert was  
17 informed of this decision on June 28th, 2013. Ms.  
18 Lampert addressed the PRB in a teleconference on July  
19 15th, 2013 and provided supplemental information dated  
20 July 26th, 2013.

21 On August 22nd, 2013, Ms. Lampert was  
22 informed of the PRB's initial recommendation that the  
23 petition either did not provide sufficient facts to  
24 warrant further inquiry or raised issues that have  
25 already been reviewed, evaluated, and resolved by the

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1 NRC. Therefore, the petition does not meet the  
2 criteria for being considered for review under 10 CFR  
3 2.206. On August 23rd, 2013, Ms. Lampert requested a  
4 teleconference with the PRB to comment on the PRB's  
5 initial recommendation.

6 As a reminder for the Board participants,  
7 please identify yourself if you make any remarks, as  
8 this will help us in the presentation of the meeting  
9 transcript and will be made publically available.  
10 Thank you.

11 Ms. Lampert, I will now turn it over to  
12 you to allow you and your associates to provide any  
13 information you believe the PRB should consider as  
14 part of the petition.

15 MS. LAMPERT: Yes, good morning. Let me  
16 start by thanking you for this opportunity to follow  
17 up on the telephone conference we had in July. Given  
18 that conference and the supplement that I sent to you  
19 in July, I wanted to be sure we have a common  
20 understanding of what this petition asks.

21 The original June 14th petition asked to  
22 cease operations until the provisions of both orders  
23 were fully implemented and the vents augmented with  
24 filters and rupture discs. This is, we believe, to be  
25 necessary to protect public health and safety.

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1           However, in our July 26th supplement, we  
2 provided information, factual background, that you had  
3 requested showing that operators could install the  
4 vents and filters in 18 to 24 months. So, therefore,  
5 we offered the Petition Review Board an opportunity to  
6 change the initial request and act on requiring the  
7 installation of the orders and adding filters in the  
8 18- to 24-month time period. So I did not hear you  
9 mention that, so I hope you understand that we amended  
10 the petition and provided the Board with a very  
11 reasonable alternative.

12           As we see it, the recommendation, initial  
13 recommendation said two things: the petition does not  
14 provide sufficient facts; two, the petition raises  
15 issues that were already reviewed. Neither of these  
16 contentions in the initial recommendation are correct.

17           The petition included 14 quotes from the order. Each  
18 said something in slightly different words that the  
19 status quo does not adequately protect public health,  
20 safety, and property at Pilgrim and other similarly-  
21 designed reactors today.

22           What the NRC said in its orders are facts.

23           There is utterly no basis for the initial  
24 recommendation to suggest otherwise. What the orders  
25 said is not hearsay. They are made in public records,

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1 and any court in this country would accept the orders  
2 as evidence and treat what they said as factual  
3 statements by the NRC. Rules of evidence 801 to 807,  
4 as I remember.

5 I will agree that the quotations don't  
6 detail all the underlying documents and facts that the  
7 staff and Commission considered. But that is  
8 unimportant. They admit the ultimate fact: what is  
9 being done today does not meet the NRC's statutory  
10 obligation to protect the public health and safety.  
11 And that is not all they admit.

12 EA-13-109 says in its conclusion: one, the  
13 requirements provide reliable HCVS to prevent or limit  
14 core damage upon loss of heat removal capability is  
15 necessary to ensure reasonable assurance of adequate  
16 protection of public health and safety; and, two, the  
17 requirement that the reliable HCVS remained functional  
18 during severe accident conditions is a cost-justified  
19 substantial safety improvement under 10 CFR 50.109  
20 (a)(3). All of these are factual statements in NRC's  
21 own words. Nothing in the initial recommendation says  
22 that the order's statements are not true.

23 Apparently, the best whoever wrote the  
24 initial recommendation could do was try to explain  
25 away one of NRC's 14 admissions as being out of

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1 context, claiming that it simply was a statement to  
2 justify the use of the backfit for the drywell vent.  
3 The initial recommendation conveniently avoided  
4 discussing any of the other 13 NRC admissions quoted  
5 by NRC, by Pilgrim Watch in its petition. They are  
6 listed in the original petition one by one. I do not  
7 expect, at this point, you'd like me to re-read them.

8 But let's move on to the one quotation  
9 that the initial recommendation does discuss, and that  
10 discussion puts NRC's PRB in an even deeper hole. The  
11 initial recommendation says that EA-12-050 was out of  
12 context because its intent was to provide the  
13 regulatory justification for imposing requirements of  
14 the order, the backfit rule. But a backfit can only  
15 be required, according to 10 CFR 50.109 (a)(3), when  
16 the Commission "determines that there is a substantial  
17 increase in the overall protection of public health  
18 and safety derived from the backfit."

19 So as a matter of fact, EA-12-050 admitted  
20 that a highly reliable vent would result in a  
21 substantial increase in public protection. EA-13-109  
22 took one step further. It said that a backfit  
23 analysis wasn't needed to order hardened reliable  
24 vents for the drywell. Why? Because 10 CFR 50.109  
25 (a)(4) says that a backfit is not required if, and I

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1 quote, that regulatory action is necessary to ensure  
2 that the facility provides adequate protection to the  
3 health and safety of the public and is in accord with  
4 the common defense and security.

5 What these two orders admit in context  
6 also is pretty clear. Hardened vents are required to  
7 provide adequate protection and will result in a  
8 substantial increase in the level of protection. As a  
9 matter of fact, EA-13-109 concluded, as I read to you  
10 in the beginning, that both the drywell and the wet  
11 well vents are needed for safety.

12 Once again, all those quotes are the NRC's  
13 own words. It's stated facts. The petition provided  
14 additional factual evidence that explained why the  
15 order was necessary to protect public health and  
16 safety.

17 The extra explanatory material was in the  
18 fourth and fifth quote provided in the initial  
19 petition. The fourth says that there was a  
20 relatively, and I'm quoting, high probability that  
21 those containments would fail should an accident  
22 progress to melting the core and that the installation  
23 of a reliable severe accident-capable containment  
24 venting system, in combination with other actions,  
25 such as ensuring drywell flooding capability, reduces

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1 the likelihood of containment failure and, thereby,  
2 enhances the defense-in-depth projections in-plant  
3 with Mark 1 and Mark II containments.

4 In the fifth quote, we provide more  
5 factual information, explanation, and in NRC's own  
6 words. During severe accidents involving molten core  
7 debris breaching the reactor vessel, mitigating  
8 strategies include injecting water into the  
9 containment to help prevent drywell liner melt-through  
10 which would result in a release pathway directly into  
11 the reactor building, that water injection could  
12 eventually increase the water level in their  
13 suppression pool to a point where venting from the wet  
14 well could no longer be possible, and that, without  
15 venting, containment pressure could continue to  
16 increase, threatening containment failure.

17 EA-13-109 clearly require licensees, like  
18 Pilgrim, to provide both severe accident-capable wet  
19 well and drywell venting systems because, as the  
20 orders make clear in their factual statements, the  
21 status quo does not adequately protect public health  
22 and safety. That being so, the dispute between  
23 Pilgrim Watch and the PRB seems really to come down to  
24 one issue: when should they be implemented?

25 The NRC's position seems that nothing

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1 needs to be done, essentially, for five or six years.

2 Apparently, the NRC relies on Eric Leed's statement  
3 in the introductory letter to the order at one that,  
4 despite the fact that the status quo is admittedly  
5 insufficient, there is no, quote, imminent danger. I  
6 raised in our supplement that no one at NRC has  
7 bothered to define "imminent." However, in my  
8 supplement, I did by going to a couple of  
9 dictionaries. Imminent is defined in the Free  
10 Dictionary as about to occur, intending. The Oxford  
11 Dictionary defines imminent as about to happen.

12 Even if we are somehow to have faith that  
13 a serious accident is not about to happen, which would  
14 highly mean that no such accident can or will happen  
15 for several year or six years, what crystal ball are  
16 you using to decide that there is no imminent danger  
17 of severe accident during the next six years? It's  
18 apparent you don't have one.

19 Both orders admit the ultimate fact is the  
20 status quo doesn't provide protection. Even if I were  
21 to agree, which I don't, that there is no imminent  
22 danger, that would require shutting down these plants  
23 now. There is no basis for not ordering Pilgrim and  
24 similar plants to do what's needed within 18 to 24  
25 months.

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1           Your attempt to avoid NRC's obligations to  
2 the public on the ground of these quotes without more  
3 do not constitute sufficient facts or a sufficient  
4 basis for taking requested enforcement action  
5 approaches are ludicrous. Any rational person reading  
6 the orders would agree that they plainly and  
7 repeatedly said that the status quo does not provide  
8 the public protection that the Atomic Energy Act  
9 requires.

10           Finally, your following statements in the  
11 initial recommendation that, quote, "NRC will not  
12 treat general opposition to nuclear power or general  
13 assertion of a safety problem," it bears no  
14 relationship to what Pilgrim Watch has said, and,  
15 quite frankly, it is unjustifiably insulting.

16           Now we'll move on to the second point that  
17 the initial recommendation about filtering and rupture  
18 discs. With respect to rupture discs, I raised issues  
19 regarding their use in conjunction with wet well vents  
20 in 2012, which you documented. But as far as I can  
21 see, in reading other available documents, it wasn't  
22 reviewed. There was no cost-benefit analysis done on  
23 rupture discs that I have seen. There is absolutely  
24 nothing to support the statement that these concerns  
25 and issues were considered by NRC staff and evaluated.

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1 We have seen no evaluation of rupture discs. There  
2 is no consideration or review in either SECY 12-0157  
3 or any of the enclosures that I could find. EA-13-109  
4 was issued to ensure that venting functions are also  
5 available during severe accident conditions, but it  
6 never mentions rupture discs, despite the fact that it  
7 is precisely during such severe accident conditions  
8 that rupture discs would be the most useful.

9 As for wet well vents, the staff, in 2012,  
10 recommended filters for wet well vents operating under  
11 severe accident conditions. The Commission in 2012  
12 voted instead for option two and kicked the filters  
13 can down the road. Well, it's now 2013, and we're  
14 down that road and we have learned a lot of new and  
15 significant information since my earlier submissions  
16 and when the issue of wet well vents was reviewed.  
17 Indeed, that is why 13-109 was issued.

18 Our brief introductory letter to 13-109  
19 says that, while developing the requirements for EA-  
20 12-050, the NRC acknowledged that the questions  
21 remained about maintaining containment integrity and  
22 limiting the radioactive release of materials if the  
23 venting systems were used during severe accident  
24 conditions. One of these came about because, in an  
25 earlier review, the water in the wet well was

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1 mistakenly assumed to provide sufficient so that a  
2 filter in wet well vents was not justified. The order  
3 admits this. It admits that the water in the  
4 suppression pool provides only a degree of  
5 decontamination before releases to the environment.  
6 This admission was never considered in any previous  
7 review of wet well venting.

8 It also highlights the never-considered  
9 issue of dry well venting, where even the NRC cannot  
10 pretend that water will provide scrubbing because  
11 there is no water. Last, the order assumes that  
12 filters are not needed on the drywell vent by saying,  
13 in essence, that the only choice for the public is the  
14 equivalent by death by one bullet to the head versus  
15 three bullets to the head between releases from the  
16 drywell unfiltered during severe accident conditions  
17 to save containment or no venting and collapse of the  
18 containment, resulting in far larger releases. The  
19 third choice the NRC is refusing to provide is  
20 filtering both the vents.

21 We should be able to agree that Pilgrim  
22 and other similarly-designed reactors should be  
23 required to complete these fixes, that being implement  
24 the orders, both orders, and add filters and rupture  
25 discs within two years' time. I thank you for the

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1 opportunity, and I'll turn it over to others who are  
2 on this petition and on the call.

3 MS. WILLIAMSON: This is Arlene Williamson  
4 from Pilgrim Coalition. One thing that I'm so alarmed  
5 by is the last time we were on the conference call, I  
6 think it was more than one person who asked the NRC  
7 your reasoning for delaying this. And, apparently, we  
8 have never gotten a response to that, and I find it  
9 quite alarming because I'm not a scientist, I'm not a  
10 lawyer, I'm a very concerned citizen who lives very  
11 near Pilgrim. And there's been a lot of concern  
12 lately. And, in fact, in our local paper today on the  
13 very front page, there's a huge article about all the  
14 shutdowns and the problems that this plant has had.

15 So with those problems, along with the  
16 information that we know about Entergy and their  
17 bottom line and why they closed Vermont Yankee, which  
18 could also be a problem with Pilgrim, it isn't very  
19 reassuring to me to allow this to just go on  
20 indefinitely with all of the other problems that are  
21 on the table, and there are many. So I'm very  
22 concerned, and it just is common sense to me why you  
23 would say something needs to be done, these vents need  
24 to be implemented to assure public safety, and you are  
25 allowing a company that is clearly having some trouble

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1 six years or five years now to implement those  
2 changes. Absolutely, it really just doesn't give me a  
3 whole lot of confidence with the NRC. Thank you.

4 MS. LAMPERT: Is someone speaking, or are  
5 they on mute?

6 CHAIR CHEOK: Do we have any other  
7 comments from any of the petitioners or the associates  
8 at this point?

9 MS. SHEEHAN: Yes, this is Meg Sheehan. I  
10 will comment. I'm from the Project for Energy  
11 Accountability. I'm a native of Plymouth, Mass. My  
12 family has lived there for four generations. We own  
13 property there. We own a business there that employs  
14 more people than Pilgrim does, and we've provided  
15 employment for over four generations of our community.

16 And we find it completely unacceptable that the NRC  
17 has been so lax in its enforcement, generally; and,  
18 specifically, for it to fail to act on this decision  
19 and require the venting under a set schedule of two  
20 years. When you have the facts in front of you, it's  
21 completely unacceptable and puts our economy, our  
22 region, our business, our families at risk. And we  
23 would urge you to take this petition seriously and  
24 require a schedule for implementation of this fix.

25 MS. TURCO: Can I speak?

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1 CHAIR CHECK: Yes, please.

2 MS. TURCO: Hi. This is Diane Turco with  
3 Cape Downwinders. And, you know, the federal  
4 oversight, as you know, for the Nuclear Regulatory  
5 Commission is that you have the authority to shut a  
6 nuclear reactor if the public health and safety cannot  
7 be assured. And given your own petition on EA-13-109  
8 and EA-12-050, you repeatedly state that the public  
9 health and safety cannot be assured, so why aren't you  
10 following your own mandate and close Pilgrim because  
11 you state that the public safety cannot be assured?  
12 That's a question to you.

13 CHAIR CHECK: I'm sorry. I missed the  
14 question. We missed the question. Can you please  
15 repeat that?

16 MS. TURCO: I certainly will. The Nuclear  
17 Regulatory Commission, as you know, has the federal  
18 oversight and authority to shut any nuclear reactor if  
19 the public health and safety cannot be assured. In  
20 your ruling, your staff has said repeatedly that  
21 without the filtered vents in the hardened vents that  
22 the public health and safety cannot be assured. So  
23 why are you not following your mandate?

24 MR. RECKLEY: This is Bill Reckley. And  
25 it all relates, as Ms. Lampert said, largely to the

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1 timing and the fact that the NRC and, for that matter,  
2 any regulatory agency that's setting requirements on  
3 an industry, when it promulgates new rules, has to  
4 decide on an implementation period for those rules or,  
5 in this case, an order, based on its assessment of the  
6 current safety of facilities and the improvements that  
7 are being sought through the rulemaking or the order.

8           And so one difference, I think, from the  
9 way we would characterize the statements made in the  
10 order and how that connects to the implementation  
11 period, and I know it's just the way you read things,  
12 but we read all of the statements that Ms. Lampert  
13 talked about that we included in the order as the  
14 basis for its issuance as demonstrating the need to  
15 improve the safety of these facilities, without  
16 stating that the continued operation of those  
17 facilities as they are is so unsafe as to warrant them  
18 to shut down. Whereas you read our words and say they  
19 are unsafe, they should be shut down, I think what we  
20 intended in the order would be to say the safety can  
21 be improved and here is an implementation period under  
22 which those licensees are required to do those  
23 improvements.

24           MS. LAMPERT: May I make a comment? Mary  
25 Lampert. Okay. Here are the quotes from EA-12-050,

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1 "Reliable hard venting systems in BWR facilities with  
2 Mark I and Mark II containments are needed to ensure  
3 that adequate protection of public health and safety  
4 is maintained."

5 My second quote I gave you says required.

6 The third, "are necessary to ensure adequate  
7 protection of public health and safety." The fourth,  
8 "additional requirements must be imposed." My fifth  
9 quote in the petition, referring to 13-109, "The  
10 orders were necessary." EA-12-050, next quote, "was  
11 necessary." The NRC concluded in 13-109, "is  
12 necessary."

13 It doesn't say, you know, things are jolly  
14 now, but this could make it a little better. That  
15 isn't what those words said. And, you know, we're in  
16 the sports season. Eric Leeds, for example, in the  
17 beginning, made a statement that current status is  
18 okay, so score one for Eric Leeds and the PRB.

19 However, the other 13 quotes was very  
20 definite. We'd have 13 scores. Now which football  
21 team won? And are we in the world of Alice in  
22 Wonderland where one point wins against 13? That's  
23 ridiculous. Or against 14, rather. Ridiculous. And  
24 because you need to go to looking at the backfit rule,  
25 that, in itself, says it's necessary for public health

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1 and safety. You justify EA-109 as not requiring the  
2 backfit rule because it's necessary for public health  
3 and safety. So you can't get out of it and hold your  
4 heads up high.

5 Excuse me, Diane, for interrupting.

6 MS. TURCO: Oh, no, Mary. No, thank you  
7 very much. I just want to say that this is like a  
8 dangerous intersection, a very dangerous intersection  
9 where a stop sign is put up, but you put up a stop  
10 sign, the NRC, but it's only a suggestion and that  
11 does not provide public health and safety. Do your  
12 job.

13 MS. CHIN: This is Rebecca Chin from the  
14 town of Duxbury. I co-chair the Nuclear Advisory  
15 Committee, and we are within the 10-mile EPZ for  
16 Pilgrim, and I was also on the call in July and I  
17 would like to repeat that the timing is of the essence  
18 for us. For the calendar year of 2013, there have now  
19 been 16 events at Pilgrim, and Pilgrim is currently  
20 shut down because of a persistent pipe leak.

21 We feel that the orders should be  
22 implemented as expeditiously as possible, and the town  
23 of Duxbury is still on that since 2006. And, please,  
24 review this favorably and implement the two-year time  
25 line. Thank you.

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1 CHAIR CHEOK: This is Mike Cheok. Are  
2 there any more comments?

3 MS. LAMPERT: Yes, I'll make one comment  
4 further. I couldn't help but suspect that NRC's  
5 choice of the six years, essentially, or after the  
6 second refueling outage was a compromise reached with  
7 the reactors in competitive markets who are looking at  
8 their bottom line, are looking at what UBS and other  
9 investment houses have said that these reactors cannot  
10 compete and, therefore, they'll be shutting down.

11 Some, like Vermont Yankee, are running out  
12 their current fuel load. That's a sizable investment.

13 Others, like Pilgrim, are talking about or at least  
14 it is being talked about that they'll go through this  
15 fuel cycle and one more. They signed a three-year  
16 pilot agreement with the town of Plymouth, and they  
17 are not doing well financially. Entergy, as you know,  
18 has cut back employees. And I think all these event  
19 reports reflect that they're not doing their, spending  
20 any money for maintenance. That's what the workers  
21 have been saying. And that's the story, so they may  
22 be out of here.

23 So I expect the NRC is acquiescing to,  
24 well, we might be shutting anyway, so why should we  
25 have to order this stuff that's expensive? And if we

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1 have to do this, those of us who are on thin ice  
2 already economically, this would push us right through  
3 the hole.

4           Isn't this what it's about? But isn't the  
5 NRC instead supposed to be about enforcing public  
6 health and safety? So when you say that it's  
7 necessary to do certain things, that's the issue. We  
8 don't wait and wait because some reactors may or may  
9 not be going down the tubes and shutting anyway. That  
10 seems to be, in my opinion, what's behind all this,  
11 and I'm asking you to put public health and safety out  
12 first. They might continue. You never know what's  
13 going to happen to a market.

14           MS. TURCO: Thank you, Mary.

15           MS. WILLIAMSON: This is Arlene  
16 Williamson, Pilgrim Coalition. I now have to agree  
17 with what Mary just said. I mean, it just seems like  
18 it's the only logical reason why the NRC would allow  
19 an industry to implement critical things to assure  
20 public safety, and considering their finances, their  
21 convenience, or whatever is appalling to put all of  
22 that ahead of -- what you're supposed to do is to  
23 provide public safety and assurance that we are okay.

24           And that is the only reason I can really see why you  
25 would say something is necessary to implement and, you

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1 know, allow the industry some time to either get it  
2 together, save the money, you know, figure out where  
3 their bottom line is. That's just not acceptable.

4 I mean, it's just, it's gambling. It's  
5 rolling out the dice and hoping that nothing happens  
6 to this nuclear power plant until they decide what  
7 works best for them, and that's just unacceptable.  
8 Thank you.

9 MS. LAMPERT: And one question -- Mary  
10 Lampert. One question for your review board. Now, I  
11 sent you, as you requested, rationales of why they can  
12 implement these orders in 18 to 24 months. Is there -  
13 - do you disagree? Is it technically not possible?  
14 If so, why? That would have to be in your response,  
15 instead of a generalization, nothingness, which is the  
16 best way to describe the initial recommendation.

17 As a matter of fact, I did send it to a  
18 couple of lawyers who have been practicing in this  
19 field for a very long time, one very distinguished  
20 Harvard Law School graduate. His only comment was  
21 this is a piece of, and I won't use the word that  
22 begins with "S," end of quote. And we deserve better.

23 We deserve a lot better, and we don't need snide  
24 remarks regarding those who are trying to shut down  
25 nuclear power. If you look at my track record over

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1 the years, you will certainly understand I'm in this  
2 to reduce risk and provide sensible documented  
3 arguments. That is unacceptable.

4 MS. SHEEHAN: This is Meg Sheehan. I  
5 would reiterate that. And I would note that today on  
6 the front page of the *Cape Cod Times*, which is the  
7 leading publication on the Cape, the Union of  
8 Concerned Scientists states that Pilgrim has had seven  
9 times the normal number of shutdowns, and those are  
10 emergency shutdowns for mechanical, electrical, and  
11 other technical failures. And for you to allow that  
12 situation to continue and not require these fixes  
13 under some kind of a schedule is really, essentially,  
14 immoral in our view.

15 MR. RECKLEY: Hi, this is Bill Reckley  
16 again. It is not as if the orders do not have a  
17 schedule. You can argue that the schedule under which  
18 the licensees are required to make these  
19 modifications, in your view, is too long, but I'd ask  
20 that you not characterize it as there's not a  
21 schedule.

22 MS. LAMPERT: Mary Lampert did not  
23 characterize it as such.

24 MR. RECKLEY: I understand. I understand.

25 MS. WILLIAMSON: Neither did Arlene

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1 Williamson.

2 MS. SHEEHAN: This is Meg Sheehan. If I  
3 misspoke, I meant to say that we would like to see a  
4 two-year schedule, as requested by Mary Lampert.

5 MR. RECKLEY: Okay. So, again, the order  
6 lays out a schedule and, through that, it has various  
7 milestones that we're currently working through now.  
8 The first major one will be the submittal of the  
9 licensee's integrated plans for compliance with this  
10 order, putting in the modifications, which is due  
11 June 2014.

12 And so in answer to your question could it  
13 be done faster, hypothetically, it could be done  
14 faster. But the NRC, in its deliberations and based  
15 on the rationale that you quoted numerous times from  
16 the discussion part of the order, we decided that the  
17 appropriate implementation schedule was what we laid  
18 out under the two phases of the order. And so that  
19 decision was reached based on our assessment of the  
20 safety benefits that are associated with the order,  
21 the modifications, the improvements needed, and the  
22 existing status of the plants. And so that was our  
23 deliberation, that was our decision, all part of the  
24 same order, all part of the same process, all part of  
25 the same Commission review and approval that was

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1 associated with all the other parts of the order.

2 And so that's just basically the way the  
3 process worked its way through and the decisions were  
4 made, including the schedules that were incorporated  
5 into the order.

6 MS. LAMPERT: The schedule that you just  
7 went through -- Mary Lampert -- and I've read it many  
8 times has an investment of paper for the industries in  
9 the first go-around. No orders of parts, etcetera,  
10 etcetera. It's paper.

11 Second, the reason for bringing this  
12 petition, which is the right of citizens, is saying,  
13 look, you could do this faster and the rationale for  
14 doing is such and such. So because you'd say, well,  
15 that's what we decided, what you're really saying is,  
16 you know, we don't need this 2.206 process. Public  
17 participation, in our view, is you can say things at  
18 meetings. Otherwise, listening closely to what you  
19 just said, you said if we decide something, grow up,  
20 kids, that's it.

21 MR. RECKLEY: This is Bill Reckley again.  
22 No, I don't think, if that's the way that came  
23 across, then I'm sorry. That's not what was meant.  
24 Of course, the petition process is your vehicle to  
25 challenge decisions that the staff has made. I was

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1 just trying to lay out the rationale for what the  
2 existing requirement is.

3 CHAIR CHEOK: I was just going to add  
4 something. This is Mike Cheok. As part of any  
5 regulatory process, the rulemaking or the orders, the  
6 staff goes through a public hearing process. And  
7 before these orders were put out, we had numerous,  
8 numerous public involvements in terms of discussing  
9 the plant safety, the current state of, where the  
10 plants are at this point, and potential schedules.  
11 And all that input was taken at that point and  
12 factored into how our orders, the way it is.

13 And so you all provided some information  
14 to us, at this point, for Pilgrim, and we will  
15 definitely take into account your information in  
16 deliberating the outcome of this PRB. So, yes, we  
17 have taken a lot of public comments into account as  
18 part of the orders, and we will take your input at  
19 this point as part of this PRB also.

20 MS. LAMPERT: Well, that's important.  
21 And, also, just for clarification, does the NRC have a  
22 different vocabulary? The definition of imminent, is  
23 it the same in the NRC as it is in all dictionary  
24 definitions provided to you?

25 CHAIR CHEOK: I do not believe that we

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1 have a defined, very specific definition for imminent.

2 MS. LAMPERT: So, therefore, it would be  
3 the common use as defined in the Oxford Dictionary,  
4 etcetera? And so, therefore, the bottom line seems to  
5 be on the timing issue that nothing is, the danger is  
6 not imminent now. And I think we deserve a factual  
7 support to that statement. Granted, Pilgrim now,  
8 please, dear God, because I can see it from my window,  
9 it's not in the process of melting fuel to which  
10 they're having to add water. Now, if that be the  
11 case, how could they install a drywell vent now?  
12 Obviously, they couldn't. And so defense-in-depth  
13 would say and common sense would say that you have to  
14 follow the old Boy Scouts and be prepared, and it  
15 doesn't take six years to be prepared. That's our  
16 point. It's very simple.

17 CHAIR CHEOK: We understand your points,  
18 and we will take everything you said into  
19 consideration. At this point, I think I would like to  
20 go into the regions or anybody else from headquarters  
21 that's on the phone, do you have any questions for us?

22 MR. SHAFFER: Region I has no comments or  
23 questions.

24 CHAIR CHEOK: Thank you. Does the  
25 licensee have any questions?

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1 MR. LYNCH: The licensee has no comments  
2 or questions.

3 CHAIR CHEOK: Thank you. For any of the  
4 members of the public, do you have any questions?  
5 Again, as stated in the beginning, the purpose of this  
6 meeting is not to provide an opportunity for the  
7 petitioner or the public to question or examine the  
8 PRB regarding the merits of the petition request, just  
9 any clarifying questions from members of the public?

10 MS. WILLIAMSON: Yes, this is Arlene  
11 Williamson. Just one last thing. I think it really  
12 is important to ask you again specifically,  
13 specifically why you are letting this go on for an  
14 extended period of time to fix something that is  
15 obviously very necessary to provide our safety? We  
16 still haven't gotten to that issue, and I think that's  
17 very, very important because we just can't wrap our  
18 heads around why you would delay something as critical  
19 as implementing this order. Thank you.

20 CHAIR CHEOK: I think the timing, we will  
21 discuss the timing as part of the Board review, and we  
22 will, I guess, inform Ms. Lampert and associates of  
23 where we come up with.

24 So, Ms. Lampert and all petitioners  
25 supporting this call, thank you for picking a time to

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1 provide us with additional comments on the petition  
2 you have submitted.

3 (Whereupon, the foregoing matter was  
4 concluded at 11:01 a.m.)  
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