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RE Columbia Generating Station

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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

COLUMBIA GENERATING STATION

+ + + + +

WEDNESDAY

APRIL 30, 2014

+ + + + +

The conference call was held, Joe Giitter,
Chairperson of the Petition Review Board, presiding.

PETITIONER: CHARLES JOHNSON

PETITION REVIEW BOARD MEMBERS:

JOE GIITTER, Director, Division of Risk

Assessment, NRR

FRED LYON, Petition Manager for 2.206 Petition

MERRILEE BANIC, Petition Coordinator, NRR

MICHAEL MARKLEY, NRR

ANTHONY McMURTRAY, Branch Chief, Mechanical and

Civil Engineering Branch, NRR

DAVID CYLKOWSKI, OGC

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1 ENERGY NORTHWEST:

2 J.R. TRAUTVETTER, Acting Regulatory Affairs
3 Manager

4 JOHN DOBKEN, Public Affairs

5 LAURA SCHEELE, Public Affairs

6 MEREDITH ANGWIN, Communications and Social Media
7 Consultant

8 JOHN TWOMEY, Program Manager

9 ABBAS MOSTALA, Civil/Stress Design Authority

10

11 NRC REGION IV:

12 JEREMY GROOM, Senior Resident Inspector

13 DAN BRADLEY, Resident Inspector

14 DUSTIN REINERT, Resident Inspector

15

16 ALSO PRESENT:

17 STEVEN GILBERT, Oregon and Washington Physicians
18 for Social Responsibility

19 NANCY MATELA, Alliance for Democracy

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

(3:04:40 p.m.)

MR. LYON: I'd like to thank everyone for attending this meeting. My name is Fred Lyon, and I am the Columbia Generating Station Project Manager.

We are here today to allow the petitioners representing the Oregon and Washington Physicians for Social Responsibility and the Alliance for Democracy to address the Petition Review Board following the receipt of the Board's initial recommendation regarding the 2.206 petition dated October 31, 2013.

I am the Petition Manager for the petition. The Petition Review Board Chairman is Joe Giitter. As part of the Petition Review Board's review of this petition Chuck Johnson has requested this opportunity to address the PRB.

The meeting is scheduled from 3:00 to 4:00 p.m. Eastern Time. The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter. The transcript will become a supplement to the petition. The transcript will also be made publicly available.

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

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1 office that you work for within the NRC for the
2 record.

3 MS. BANIC: Merrilee Banic, Petition
4 Coordinator, NRR.

5 MR. CYLKOWSKI: David Cylkowski, Attorney
6 with the Office of General Counsel.

7 CHAIRMAN GIITTER: Joseph Giitter, PRB
8 Chair.

9 MR. MCMURTRAY: Tony McMurtray. I'm a
10 Branch Chief in for Mechanical and Civil Engineering
11 Branch in the Division of Engineering of NRR.

12 MR. LYONS: Those are the folks here at
13 headquarters. J.R., would you introduce your folks
14 one more time for the court reporter?

15 MR. TRAUTVETTER: Okay, this is J.R.
16 Trautvetter, the Acting Regulatory Affairs Manager,
17 Columbia Generating Station.

18 MR. DOBKEN: John Dobken, Public Affairs.

19 MS. SCHEELE: Laura Scheele, Public
20 Affairs.

21 MS. ANGWIN: Meredith Angwin, Facebook and
22 Blogging Specialist.

23 MR. TWOMEY: John Twomey, Technical
24 Services.

25 MR. MOSTALA: Abbas Mostala, Engineering.

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1 MR. TRAUTVETTER: That's everyone from
2 headquarters.

3 MR. LYON: Thank you, and, Jeremy, would
4 you introduce the regional folks?

5 MR. GROOM: Yes, myself, Jeremy Groom, NRC
6 Senior Resident Inspector. We also have Dan Bradley,
7 NRC Resident Inspector.

8 MR. REINERT: Dustin Reinert, NRC Resident
9 Inspector.

10 MR. GROOM: That's all we have, Fred.

11 MR. LYON: Thank you. Chuck, if you would
12 please introduce yourself and your colleagues for the
13 record.

14 MR. JOHNSON: Okay, I'm Charles Johnson.
15 And I'm the Director of the Joint Task Force under
16 Nuclear Power for Oregon and Washington Physicians for
17 Social Responsibility. I'll let the others introduce
18 themselves.

19 MR. GILBERT: Hello, Steven Gilbert. I'm
20 a toxicologist for Physicians for Social
21 Responsibility.

22 MS. MATELA: This is Nancy Matela, I'm
23 with the Portland Chapter of Alliance for Democracy,
24 and I oversee the Nuclear Committee.

25 MR. LYON: All right, are there any

1 others, such as members of the public, on the phone?

2 MR. MARKLEY: Fred, it's Mike Markley.
3 I've joined you. I'm on the phone.

4 MR. LYON: Hi, Mike. I'd like to
5 emphasize that we each need to speak clearly and
6 loudly to make sure that the court reporter can
7 accurately transcribe this meeting.

8 If you do have something that you would
9 like to say please first state your name for the
10 record. At this time I'll turn it over to the PRB
11 Chairman, Joe Giitter.

12 CHAIRMAN GIITTER: Welcome to this meeting
13 regarding the 2.206 petition submitted by Dr. Pearson
14 and Dr. Gilbert representing the Oregon and Washington
15 Petitions for Social Responsibility, and subsequently
16 joined by Nancy Matela, representing the Alliance for
17 Democracy.

18 I'd like to start off by sharing some
19 background on our process. Section 2.206 of Title 10
20 of the Code of Federal Regulations describes the
21 petition process. And I know this isn't the first
22 time around so I know you're familiar with it.

23 But the primary mechanism for the public
24 to request enforcement action by the NRC is this
25 process, the 2.206 process. And it permits anyone to

1 petition the NRC, to take enforcement type actions
2 related to NRC licensees or license activities.

3 Depending on the results of its evaluation
4 NRC could potentially modify, suspend or revoke an NRC
5 issued license or take any other appropriate
6 enforcement action to resolve the problem.

7 The NRC staff's guidance for disposition
8 of 2.206 Petition Request is described in our
9 Management Directive 8.11 which, I believe, is
10 actually available on our public Web site.

11 The purpose of today's meeting is to give
12 the petitioner and opportunity to provide additional
13 explanation or support for the petition following the
14 petitioner or the Review Board's initial consideration
15 and recommendation.

16 Just a reminder, this meeting is not a
17 hearing nor is it an opportunity for the petitioner
18 to question or examine the PRB on the merits or the
19 issues presented in the Petition Request. No
20 decisions regarding the merits of this petition will
21 be made at this meeting.

22 Following the meeting the Petition Review
23 Board will conduct its internal deliberation to make
24 its final recommendation. The Petition Review Board
25 typically consists of the Chairman, usually a manager

1 at the senior executive level at the NRC. But is also
2 has a Petition Manager and PRB Coordinator, who you've
3 heard from.

4 Other members of the Board are determined
5 by the NRC staff based on the content of the
6 information in the Petition Request. And again, you
7 heard who those individuals are in the introductions.

8 For reference, I think we already
9 introduced the Board. Do we need to do that? Okay,
10 so we're done with that. I'd like to summarize the
11 scope of the position under the consideration in the
12 NRC activities today.

13 On October 31, 2013 Dr. Pearson and Dr.
14 Gilbert, representing the Oregon and Washington
15 Physicians for Social Responsibility, responded to a
16 letter to them from Chairman McFarlane concerning new
17 information about seismic hazards to Columbia
18 Generating Station.

19 After reviewing the letter the NRC staff
20 decided that it should be put into the 2.206 process
21 because it specifically requested that the Columbia
22 Generating Station be shut down. In its Petition
23 Request the petitioners identified the following areas
24 of concern.

25 Number one, the petitioners requested that

1 the NRC provide the data used by the NRC to continue
2 to conclude that the Columbia Generating Station has
3 been designed, built and operated to safely withstand
4 earthquakes likely to occur in its region.

5 Number two, to shut down the Columbia
6 Generating Station Nuclear Power Plant immediately
7 until it can be shown that it meets adequate
8 earthquake standards.

9 As a basis for this request the
10 petitioners provide evidence that, to their knowledge,
11 more current information available has not been
12 considered by the NRC in its seismic evaluation at the
13 Columbia Generating Station.

14 Allow me to discuss the NRC to date. On
15 December 17, 2013 the PRB discussed the petitioners'
16 request for immediate action. The PRB decided to deny
17 the request because the petitioners provided no new
18 information demonstrating an immediate safety concern
19 to the plant or to the health and safety of the public
20 as documented in the evaluation that was provided.

21 The plant is already undergoing a seismic
22 hazard review and the issues raised by the petitioners
23 are encompassed by what we call the 50.54(f) letters,
24 letters that went out to all licensees on March 12th
25 of 2012 requesting information regarding the seismic

1 re-evaluation of the site.

2 The determination was approved by the
3 Deputy Director of the NRC Office of Nuclear Reactor
4 Regulation, Jennifer Uhle, on December 23, 2013. Then
5 on February 4, 2014 the petitioners addressed the PRB
6 prior to its initial meeting and submitted additional
7 information for consideration.

8 On, March 24, 2014 the Petition Manager
9 informed the petitioners that the initial
10 recommendation of the PRB was to reject the petition.
11 Then, on April 14, 2014, the petitioners requested to
12 address the PRB again before the PRB's final
13 recommendation.

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

18 So, Mr. Johnson, I'm going to turn it over
19 to you to allow you and your colleagues to provide any
20 additional information you believe the PRB should
21 consider as part of its petition.

22 MR. JOHNSON: Oh, thank you very much. We
23 appreciate the opportunity to get one more bite of the
24 apple on this particular topic. And unfortunately it
25 doesn't seem that there's much recourse besides this

1 process in dealing with the NRC.

2 And we're not terribly hopeful about the
3 outcome, although we do believed before we had a good
4 case to make and still believe that is true. Our
5 statement for requesting this meeting was as follows.

6 Given an accident caused by a beyond-
7 design basis earthquake at the Waste Encapsulation
8 Storage Facility, WESF, is exactly the scenario we
9 fear for the Columbia Generating Station Nuclear Plant
10 at Hanford and that the voluble spent fuel at the CGS/
11 can not be completely emptied without shutting down
12 the reactor and waiting for several years, we believe
13 that closing the reactor now until appropriate seismic
14 upgrades can be made at the plant is the most prudent
15 course.

16 I then referenced an audit report from the
17 Office of the Inspector General of the U.S. Department
18 of Energy and a news article from the *Tri-City Herald*
19 that's dated April 23, 2013. And the Inspector
20 General stated that, excuse me, it would seem that the
21 same thing that made the U.S. DOE's Office of the
22 Inspector General concerned about the beyond-design
23 earthquake hazard at the WESF facility should be of
24 equal concern to the Nuclear Regulatory Commission and
25 Energy Northwest.

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1 Degraded concrete and earthquakes that
2 create greater than the planned for ground motion are
3 not a good combination for containing a reactor at an
4 elevated pool filled with spent nuclear fuel. To this
5 statement I would add some links to that study on the
6 behavior of dry concrete which the CGS is spent full
7 of, due to its liner, would be bombarded by high doses
8 of radiation.

9 And this testimony I have already
10 submitted to Fred Lyons. And I would ask that he put
11 it into the record. It has four links that of studies
12 of concrete under bombardment from high doses of
13 radiation and the behavior of the concrete. You will
14 notice that the first document is an NRC document and
15 the fourth is by the same two authors of the NRC
16 report.

17 While this issue of concrete is known,
18 nevertheless, it is not clear that there has been an
19 analysis of the concrete composition of the CGS's
20 spent fuel pool and other critical places in the
21 reactor building where concrete reinforcement is
22 exposed to radiation and an assessment of the amount
23 of damage that may have been done to the concrete's
24 structural integrity.

25 Given that we know that the site has

1 greater seismic potential and thus more ground motion
2 than was known when the plant was built, it would make
3 sense for the NRC to show as much caution as the
4 Office of its Inspector General for the U.S.
5 Department of Energy did when they stated in their
6 March 26, 2014 memorandum accompanying the long-term,
7 the study entitled *Long-term Storage of Cesium and*
8 *Strontium at the Hanford Site.*

9 "One possible threat is a severe
10 earthquake that may result in loss of power and/or
11 loss of water in the WESP's pool. The Department's
12 Office of Environmental Management considers WESP its
13 largest 'beyond design threat' facility and has
14 identified movement of the capsules that drive storage
15 as a potential interim measure to mitigate the risk
16 posed by these threats."

17 I want to point out that this is the
18 second time that the U.S. DOE has taken action or
19 recommended taking action based upon the revised
20 earthquake knowledge on the Hanford site, the first
21 being the one-year delay in construction of the waste
22 treatment plant in 2005 until it could be reinforced
23 to meet the higher ground motion now known to be
24 possible on the Hanford Reservation.

25 In contrast, the Nuclear Regulatory

1 Commission has remained content to wait until March
2 2015, when Energy Northwest completes its seismic
3 review, before it requires any modification of the
4 seismic standards the plant needs to meet. We ask
5 that you consider this concrete degradation issue as
6 one more reason why the Columbia Generating Station
7 should be shut down until it can be positively
8 determined it can withstand a worst case earthquake.

9 In the case of potential nuclear plant
10 accidents the NRC should err on the side of caution.
11 The downside of being wrong is just too heavy a burden
12 to bear.

13 Another issue I wish to forward to you is
14 not strictly one that is earthquake related but it
15 does outline a potential pathway for a catastrophic
16 accident. In the course of organizing an independent
17 study of the CGS Nuclear plant, Oregon and Washington
18 PSR hired licensed engineering geologist Terry Tolan
19 to conduct a series of studies.

20 The first of which was an analysis of
21 current knowledge of the potential for seismic
22 activity at the CGS site which was the basis for our
23 letter to Chairwoman Allison Mcfarlane and this 2.206
24 petition process. Mr. Tolan also completed studies of
25 volcanic activity and flooding.

1 In the volcanic activity study Tolan found
2 the preparations at the plant to be adequate to meet
3 the potential threat. In his study of potential
4 flooding danger, which is attached along with his
5 testimony with his cover, memo and four maps, Tolan
6 found that the NRC's worst case flooding scenario of
7 a terrorist completely destroying the Grand Coulee Dam
8 did not take into account two major issues.

9 One, the chaos a huge wall of water
10 completely inundating the city of Richland would
11 create in destroying the infrastructure and making
12 access to this site difficult if not impossible for
13 additional personnel and equipment.

14 And, two, the combination of elevated
15 ground water levels in a worst case dam burst at Grand
16 Coulee would raise ground water levels four feet
17 higher than the design basis ground water level for
18 the CGS "and put structure systems and components at
19 risk."

20 Please note that we are not claiming and
21 earthquake could cause this water inundation scenario.
22 As Mr. Nolan agrees with the NRC that an earthquake
23 could not release the volume of water that a terrorist
24 detonation could in that there would likely be
25 remnants of the dam in place that would reduce the

1 size of the flood.

2 Finally, I want to note a couple of
3 objections to the rationale for rejecting our previous
4 appeal which you sent me by email on March 24, 2014.
5 I quote your concluding statement.

6 "The PRB's initial recommendation is to
7 reject the petition in accordance with MD 8.11 and
8 with Part 3, Paragraph C(2), Criteria for Rejecting
9 Petitions Under 10 CFR 2.206 because the petitioners
10 raised issues that have already been subject of the
11 NRC staff review and evaluation either on that
12 facility or other similar facilities or on a generic
13 basis for which a resolution has been achieved, the
14 issues have been resolved and the resolution is
15 applicable to the facility in question."

16 We question whether the issue of GE BWR's
17 potential inability to insert control rods during an
18 earthquake has been resolved as we have been shown no
19 evidence that it has. This is a particularly serious
20 issue and I attached the Union of Concerned
21 Scientists' Web site analysis of the issue to refresh
22 the record.

23 The combination of it not being clearly
24 established at the CGS Nuclear Plant can withstand an
25 earthquake with its key cooling and power systems

1 intact and its persistent unsolved problem of control
2 rods sinking in an earthquake could lead to an
3 enormously damaging catastrophe if the reactor loses
4 coolant with no ability to shut it down.

5 When you add to all of these issues the
6 fact that the Nuclear Regulator Commission has now
7 given Energy Northwest until 2017 to complete hardened
8 vents on its containment, vents that are designed to
9 prevent a hydrogen explosion that would most likely
10 occur at the plant in a Fukushima-style loss of
11 coolant accident you have to conclude that the NRC is
12 taking a very lackadaisical approach toward the safety
13 of the workers at the plant, the people of the Tri-
14 Cities and everyone downstream along the Columbia
15 River.

16 To wait six years after the Fukushima
17 accident to install vents you know are needed at this
18 plant in unconscionable. The Columbia Generating
19 Station should be shut down immediately for this
20 reason alone.

21 The message is a basic one. Shut down the
22 plant until you can make certain that it will not
23 suffer a catastrophic accident. We believe the 2.206
24 petition gives you the opportunity you need to perform
25 your function of safeguarding the public, and we urge

1 you to take it.

2 And that concludes my testimony. I'm not
3 sure if Dr. Gilbert or if Nancy Matela want to make
4 additional comments at this time.

5 DR. GILBERT: This is Steven Gilbert.
6 I'll make a very brief comment here. I think a
7 precautionary approach can be taken into
8 considerations of earthquake and other potential loss
9 of coolant at the Columbia Generating Station.

10 We've seen the consequence of this at
11 Fukushima. And I think it is appropriate for the NRC
12 to shut down the Columbia Generating Station at least
13 until this stuff is more thoroughly investigated.

14 MS. MATELA: This is Nancy Matela. I'd
15 like to conclude with some general statements. It was
16 just that at least a few people on the NRC staff that
17 have not been out to the Washington/Oregon Hanford
18 site. I just want to pain a picture of what it is out
19 here.

20 It's not a desert that has been totally
21 abandoned. It's a million of us that are within 160
22 miles downriver, that would be the Columbia River,
23 from the Hanford Nuclear Reservation which includes
24 the Western hemisphere's most deadly collection of
25 nuclear waste along with, 15 miles away from that

1 place is CGS.

2 Twelve earthquakes, all have been
3 identified recently, but this is not recent
4 information. In 1872 a 7.4 earthquake occurred. The
5 epicenter was only 100 miles from CGS. We in
6 Portland, 160 miles away, sit on a fault that's
7 equivalent to the San Andrea fault in California. And
8 we are overdue for the big one.

9 And next is the flooding which Chuck has
10 errorlessly uncovered. That Grand Coulee Dam is only
11 100 miles above CGS, and there are seven total dams
12 above CGS. So that is right in our backyard.

13 And lastly, come January 2022, it was
14 noted by CNN, don't know the credibility of that
15 report but basically it said that CGS was named a
16 target for terrorists right after 9/11, that that was
17 one of their other plans to attach the U.S. And CGS
18 was named specifically.

19 So I would like to underline again the
20 idea that the vents won't be in for at least another
21 year or more. It's unconscionable. We are in the
22 center of a perfect storm. We are not out in the
23 middle of the desert and a handful of people. We are
24 at least a million people that are jeopardized by this
25 situation.

1 We want you to shut it down now and make
2 certain that it is safe before it is started again.
3 It only supplies 3.9 percent of the electricity for
4 the Pacific Northwest. We run a huge risk for a very
5 small amount of power. Thank you.

6 CHAIRMAN GIITTER: Thank you. At this
7 time does the staff here at headquarters have any
8 questions for the petitioners?

9 Okay, what about the region? Okay, let me
10 turn to Columbia, the Energy Northwest folks.

11 Okay, let me, before I conclude the
12 meeting, are there any other members of the public
13 that wish to provide comments regarding the petition
14 or to ask questions about the 2.206 petition process?

15 However, I stated in the opening, the
16 purpose of this meeting is not to provide an
17 opportunity for the petitioner or the public to
18 question or examine the PRB regarding the merits of
19 the petition request. So let me ask again, any
20 additional comments?

21 Okay, then, Mr. Johnson and Dr. Gilbert
22 and Ms. Matela, I want to thank you for taking the
23 time to provide the NRC staff with the additional
24 information on the position you submitted.

25 With that this meeting is concluded and

1 we'll be terminating the phone connection.

2 MR. JOHNSON: Oh, one question before you
3 terminate.

4 CHAIRMAN GIITTER: Yes.

5 MR. JOHNSON: How soon do you expect to
6 respond to us, to our request? Or how soon do you
7 expect to make final determination, I should say?

8 CHAIRMAN GIITTER: That's a good question.
9 I'm going to have the Petition Manager answer that
10 question.

11 MR. LYONS: Well, a couple of things.
12 One, we will go through our process. Since you've
13 just given us new information to consider today we
14 will take that information and what you provided
15 earlier and review it and see if it is new information
16 that we need to consider for these issues.

17 And then, as you and Nancy implied, it is
18 incumbent on us, the NRC staff, to justify the
19 decision that we make. And so we will prepare our
20 final recommendation that will go up to senior
21 management. And, of course, they have the final say.

22 And as I've said before, it's not just a,
23 it may not be just a we accept your petition or we
24 reject your petition. We also have the option of
25 accepting part and rejecting part. And whatever

1 decision that we make we will decide. So I would say
2 I would estimate a month to do the review and then
3 work through our process.

4 MR. JOHNSON: Okay, thank you.

5 CHAIRMAN GIITTER: Any additional
6 comments? Okay, that concludes this conference then.
7 I appreciate your support.

8 (Whereupon, the conference in the above-
9 entitled matter was concluded at 3:32:59 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: 10 CFR 2.206 Petition in re Columbia
Generating Station by Charles Johnson

Docket Number: G20130776

Location: Teleconference

were held as herein appears, and that this is the
original transcript thereof for the file of the
United States Nuclear Regulatory Commission taken
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
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