

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: 10 CFR 2.206 Petition Review Board
RE Turkey Point Nuclear Plant

Docket Number: 05000250 and 05000251

Location: teleconference

Date: Wednesday, September 3, 2014

Work Order No.: NRC-1045

Pages 1-50

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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

TURKEY POINT NUCLEAR PLANT

+ + + + +

WEDNESDAY

SEPTEMBER 3, 2014

+ + + + +

The conference call was held, Scott Morris,
Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS

SCOTT MORRIS, Director of the Division of
Inspection and Regional Support, NRR

AUDREY KLETT, Petition Manager, Division of
Operating Reactor Licensing

MERRILEE BANIC, Petition Coordinator

GREG CASTO, Division of Safety

ROBERT CARPENTER, Enforcement Specialist, Office
of Enforcement

ALEX CHERESKIN, Division of Operating Reactor

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1 Licensing

2 JAMES MALTESE, Office of the General Counsel

3 LISA REGNER, Division of Operating Reactor

4 Licensing

5

6 REGION II STAFF

7 SHANE SANDAL, Branch III, Division of Reactor

8 Projects, Region II

9

10 NRC HEADQUARTERS STAFF

11 , Office of the Inspector

12 General

13 , Office of the Inspector General

14 MARGARET WATFORD, NRR

15

16 LICENSEE STAFF

17 WILLIAM BLAIR

18 STEVEN HAMRICK

19 ROBERT TOMONTO

20

21 ALSO PRESENT

22 CHARLES REHWINKEL

23

24

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3:02

p.m.

MS. KLETT: Okay. Welcome and thank you, everybody, for attending. Again, my name is Audrey Klett, and I am the NRC Project Manager for Turkey Point. The purpose of this meeting is for the petitioner, Mr. Thomas Saporito, to address the NRC's Petition Review Board, or PRB, per his request regarding his petition dated July 18th, 2014.

This meeting is scheduled from 3 p.m. to about 4:15 p.m. Eastern Time to allow the petitioner one hour to address the PRB. 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 and will be made publicly available.

At this time, the people present at this meeting at NRC headquarters will introduce themselves. As we go around the room, please be sure to clearly state your name, your position, and the NRC office that you work for or that you work in for the record.

And I'll begin. Again, my name is Audrey Klett. My last name is spelled K-L-E-T-T. I'm the NRC Project Manager for Turkey Point in the NRC's Division

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1 of Operating Reactor Licensing. I am also the petition
2 manager for this petition.

3 MR. MORRIS: And I'm Scott Morris. I'm
4 the Director of the Division of Inspection and Regional
5 Support in the Office of Nuclear Reactor Regulation, and
6 I'm the Petition Review Board Chairman.

7 MR. CHERESKIN: I'm Alex Chereskin from
8 the Division of Operating Reactor Licensing.

9 MS. REGNER: Lisa Regner, Branch Chief,
10 Branch II-2, Division of Operating Reactor Licensing.

11 MR. CARPENTER: Robert Carpenter,
12 Enforcement Specialist in the Office of Enforcement.

13 MS. BANIC: Lee Banic, Petition
14 Coordinator, NRR.

15 MR. CASTO: Greg Casto, Chief of Balance of
16 Plant, Division of Safety.

17 MR. MALTESE: James Maltese, attorney in
18 the Office of the General Counsel.

19 MS. KLETT: Okay. Mr. Saporito, can you
20 hear everyone okay?

21 MR. SAPORITO: Yes, yes, fine. Thank you.

22 MS. KLETT: Okay. We have completed
23 introductions at NRC headquarters. Are there any other
24 participants from NRC headquarters on the phone?

25 : . I'm

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1 from the Office of the Inspector General.

2 MS. WATFORD: This is Maggie Watford,
3 Nuclear Reactor Regulation.

4 MS. KLETT: Are there any participants
5 from NRC Region II office on the phone?

6 MR. SANDAL: Yes, this is Shane Sandal,
7 Branch 3, Division of Reactor Projects, Region II.

8 MS. KLETT: Are there any representatives
9 from Florida Power & Light Company, the licensee, on the
10 phone?

11 MR. BLAIR: My name is William Blair. I'm
12 Managing Attorney - Nuclear for Florida Power & Light.

13 MR. HAMRICK: Steven Hamrick, counsel for
14 Florida Power & Light.

15 MR. TOMONTO: I'm Bob Tomonto, Licensing
16 Manager, Florida Power & Light, Turkey Point.

17 MS. KLETT: Okay. Mr. Saporito, would you
18 please introduce yourself again for the record?

19 MR. SAPORITO: My name is Thomas Saporito.
20 I'm the consultant with Saproani Associates on the
21 petition.

22 MS. KLETT: It is not required for members
23 of the public to introduce themselves for this call.
24 However, if there are any members of the public on the
25 phone that wish to do so at this time, please state your

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1 name for the record.

2 MR. REHWINKEL: This is Charles Rehwinkel,
3 Deputy Public Counsel with the Florida Office of Public
4 Counsel.

5 MS. KLETT: It is important that we each
6 speak clearly and loudly to make sure that the court
7 reporter can accurately transcribe this meeting. When
8 you speak during this meeting, please first state your
9 name for the record.

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

15 At this time, I will turn the meeting over
16 to the PRB Chairman, Scott Morris.

17 MR. MORRIS: All right. Thanks, Audrey.
18 Again, this is Scott Morris. Welcome to the meeting
19 today regarding the 2.206 petition submitted by Thomas
20 Saporito. I want to share a little background on the
21 NRC's 2.206 process first.

22 Section 2.206 of Title 10 of the Code of
23 Federal Regulations describes the petition process,
24 which is the primary mechanism for the public to request
25 enforcement action by the NRC, and it's a public

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1 process. The process permits anyone to petition the
2 NRC to take enforcement-type actions related to NRC
3 licensees or licensed activities.

4 Depending on the result of its evaluation,
5 the NRC could modify, suspend, or revoke an NRC-issued
6 license or take any other appropriate enforcement
7 action to resolve a problem. The NRC staff guidance for
8 the disposition of 2.206 petition requests is in our own
9 Management Directive 8.11, which is also a
10 publicly-available document.

11 The purpose of today's meeting is to give
12 the petitioner, Mr. Saporito, an opportunity to provide
13 any additional explanation or support for the petition
14 before the Petition Review Board's initial
15 consideration and recommendation. The meeting is not
16 a hearing, nor is it an opportunity for the petitioner
17 to question or examine members of the PRB on the merits
18 of the issues presented in the petition request. The
19 PRB is not going to make decisions regarding the merits
20 of the petition at this meeting. Following
21 this meeting, the PRB members, the Petition Review Board
22 members will conduct internal deliberations, and the
23 outcome of that internal meeting will be discussed with
24 the petitioner.

25 The Petition Review Board typically

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1 consists of a chairman. In this case, it's me, Scott
2 Morris. And the Chairman is usually a manager at the
3 Senior Executive Service level at the NRC, and I
4 represent that, as I said, the Division Director for the
5 Division of Inspection and Regional Support in NRR.

6 There's also a petition manager and a PRB
7 coordinator, and other members of the board are
8 determined by the staff based on the content of the
9 information in the actual petition request. The
10 members, obviously, have already introduced themselves
11 earlier in the call.

12 And as described in our process, the NRC
13 staff and the Petition Review Board members may ask
14 clarifying questions in order to better understand the
15 petitioner's presentation and to reach a reasonable or
16 a reasoned decision as to whether or not to accept or
17 reject the petitioner's request for review under the
18 2.206 process.

19 So with respect to the petition that we're
20 gathered here to discuss today, I'll just provide a
21 brief summary of the scope of the petition and what we've
22 done about that. On July 18th, 2014, Mr. Saporito
23 submitted to us, the NRC, a petition under 2.206
24 regarding the Turkey Point Nuclear Power Plant's
25 ultimate heat sink, or UHS we may say, in which Mr.

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1 Saporito requested a number of actions. These actions
2 include the NRC taking escalated enforcement action
3 against the licensee, which is NextEra, right?
4 Correct?

5 MS. KLETT: Florida Power & Light.

6 MR. MORRIS: Florida Power & Light.
7 Florida Power & Light under NextEra. So taking
8 escalated enforcement against the licensee, revoking
9 the operating license from the licensee, issuing a
10 notice of violation, imposing a civil penalty of \$1
11 million, and issuing a confirmatory order requiring the
12 licensee to maintain the Turkey Point facility in a cold
13 shutdown mode. We also understand that Mr. Saporito
14 requested the plant be kept in cold shutdown until the
15 licensee performs an independent assessment of the rise
16 in ultimate heat sink temperature, a comprehensive
17 evaluation of all nuclear safety-related equipment and
18 components which may have been affected, and an
19 independent safety assessment of all nuclear
20 safety-related systems and components.

21 So that's what we understand of the
22 petition requested. Now I want to turn to the
23 activities that the NRC has undertaken so far to date.

24 So on August 11th, 2014, the NRC staff
25 informed Mr. Saporito that the licensee submitted a

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1 license amendment request to us regarding the Turkey
2 Point technical specifications ultimate heat sink
3 temperature limit. Oh, I'm sorry. What did I say?

4 MS. KLETT: The 11th.

5 MR. MORRIS: Yes, that happened on August
6 7th. We contacted the petitioner and informed him that
7 the licensee had submitted that license amendment
8 request regarding ultimate heat sink temperature limit.
9 So these amendments, at the time, were being processed
10 when the petition was received and continued to be
11 processed in parallel with our processing of the
12 petition.

13 The licensee requested to increase the
14 ultimate heat sink maximum temperature limit in the
15 Turkey Point technical specifications from 100 to 104
16 degrees Fahrenheit. The NRC staff issued a safety
17 evaluation and approved license amendments on August
18 8th of 2014.

19 The license amendment request was noted for
20 considerations in local newspapers around Turkey Point,
21 and issuance of the amendments was noticed in the
22 Federal Register. The petitioner was provided the
23 approved license amendments and safety evaluation, NRC
24 safety evaluation, along with the initial and
25 supplemental licensee submittals to the NRC.

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1 On July 24th -- so we're stepping back a
2 little bit. On July 24th, 2014, the petition manager
3 contacted Mr. Saporito to discuss the 2.206 petition
4 process and offer him an opportunity to address the
5 Petition Review Board. Mr. Saporito requested to
6 address the PRB by phone prior to its internal meeting
7 to make an initial recommendation to accept or reject
8 the petition for review.

9 So that's what our understanding of the
10 activities that have been completed to date. As a
11 reminder for all of us, please state your name if you
12 want to make any remarks, as this will help us to prepare
13 the meeting transcript that will eventually be made
14 publicly available.

15 So with that, Mr. Saporito, I'll turn it
16 over to you and give you the opportunity to provide the
17 information that you think the PRB should consider as
18 part of our review process. And I think we've done a
19 fairly good job, and we've got 61 minutes left, so you've
20 got at least one hour.

21 MR. SAPORITO: All right. Good
22 afternoon, Mr. Chairman and members of the NRC Petition
23 Review Board. My name again is Thomas Saporito. I'm
24 a senior consultant with Saprodani Associates located
25 in Southern Florida. I'm the petitioner in this

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1 matter, having filed an enforcement petition under 10
2 CFR Section 2.206 on July 18th, 2014 related to licensed
3 operations at the Turkey Point Nuclear Plant operated
4 by the Florida Power & Light Company, or licensee.

5 During this discussion, reference will be
6 made to one or more attachments in support of the 2.206
7 enforcement petition, which access to those documents
8 has been made available to the Petition Review Board,
9 or PRB, via Ms. Audrey Klett, NRC Project Manager. I
10 request that all those documents be made a part of the
11 official NRC record in the instant action accordingly.
12 They can be considered as a supplement to the petition,
13 if you will. I may not use all of those documents
14 because I was time-constrained prior to this meeting,
15 but I intend to use quite a number of them.

16 To the extent that this is a public record,
17 I'm going to provide a brief summary of my experience
18 of filing 2.206 enforcement petitions with the NRC over
19 the last 26 years, as it is relevant to enlighten the
20 public about NRC operations in protecting public health
21 and safety and the environment. Notably, the NRC
22 website states that the U.S. Nuclear Regulatory
23 Commission, or NRC, was created as an independent agency
24 by Congress in 1974 to ensure the safe use of radioactive
25 materials for beneficial civilian purposes while

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1 protecting people and the environment. The NRC
2 regulates commercial nuclear power plants and other use
3 of nuclear material, such as in nuclear medicine, in
4 licensing, inspection, and enforcement of its
5 requirements. And that particular mission statement
6 by the NRC can be found at
7 <http://www.nrc.gov/about-nrc.html>.

8 So, clearly, the NRC's mission is to ensure
9 the safe use of radioactive materials for beneficial
10 civilian purposes while protecting people and the
11 environment. The NRC licensed approximately 104
12 nuclear reactors for operation under Title 10 of the
13 Code of Federal Regulations Part 50. These regulations
14 are, in fact, the safety margins which NRC licensees,
15 like the Florida Power & Light Company, are required to
16 rigidly follow in conducting the licensed operation of
17 any nuclear reactor.

18 The regulations under 10 CFR 50 employ
19 site-specific technical specifications which are the
20 safety margins that reactor operators at each nuclear
21 plant must fully comply with in operating any nuclear
22 reactor. Over the last 26-year period, the NRC has
23 consistently relaxed the safety margins set out in 10
24 CFR 50 to allow its licensees, like the Florida Power
25 & Light Company, to continue licensed operation which

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1 otherwise would have required the nuclear reactors to
2 be shut down.

3 The most egregious actions taken by the NRC
4 was to relax the safety margins under 10 CFR 50 for all
5 licensees, like the Florida Power & Light Company, to
6 extend operations of nuclear reactors 20 years beyond
7 the 40-year safety design basis set out under the
8 Agency's own regulations. Notably, experts have
9 asserted that the stainless steel nuclear reactor
10 vessels sustain severe embrittled degradation from
11 radioactive neutron bombardment to empower operations.
12 The NRC's actions in relaxing the safety regulations
13 to allow operations of these embrittled nuclear reactor
14 vessels is a blatant disregard for public health and
15 safety and the environment as a whole. The NRC
16 apparently failed to learn from the ongoing nuclear
17 disaster at the Fukushima Nuclear Plant in that the
18 Agency should be tightening its safety regulations
19 instead of relaxing its safety regulations. At
20 this time, I'm going to refer to attachment one and pull
21 that up, and this is entitled "RT News Article" dated
22 August 27th, 2014. It's headlined "Fukushima Disaster
23 Bill More than \$105 Billion, Double Earlier Estimates."
24 If you look at the attachment, on the first page it
25 states that the tragedy at the Fukushima Nuclear Plant

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1 will cost 11.08 trillion yen, or \$105 billion, twice as
2 much as Japanese authorities predicted at the end of
3 2011, says the study.

4 The Fukushima nuclear facility has four
5 nuclear reactors. Three of the four nuclear reactors
6 at the Fukushima facility are still melting down to this
7 day and spewing radioactive contamination into the
8 environment. The plant owner and the government are
9 now desperately, are now desperate to stop the
10 radioactive leaks, so much so that they are attempting
11 to freeze the earth around the reactor cores as a
12 last-ditch fix. The half-life of uranium-235 is 704
13 million years, which means that after 704 million years
14 the radiation from the uranium is cut in half.

15 I was the first United States citizen to file a
16 2.206 enforcement petition following the Fukushima
17 nuclear reactor requesting the NRC to evaluate the
18 safety of all U.S. nuclear power plants. Notably, to
19 this date, the Agency has not yet completed its review
20 of that petition.

21 Thousands of people will never be able to
22 return to their homes and businesses because of the
23 radioactive contamination associated with the nuclear
24 reaction at the Fukushima Nuclear Plant. If the Turkey
25 Point Nuclear Plant had a similar meltdown, the entire

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1 city of Miami and perhaps the entire state of Florida
2 would have to be evacuated forever. Nobody wants that
3 to happen, and the people of Florida have placed their
4 trust and belief in the NRC to protect them and their
5 families and the environment where they work and live.
6 For these reasons, the people of Florida expect the NRC
7 to enforce its regulations instead of relaxing its
8 regulations and allowing Florida Power & Light, the
9 licensee, to increase the ultimate heat sink water
10 temperature to 104 degrees Fahrenheit at the Turkey
11 Point Nuclear Plant.

12 At this time, I'll now pull up attachment
13 number 16. This document is entitled "U.S. NRC
14 Training Document." It's the reactor concepts manual,
15 a 28-page manual. This is placed, is being placed in
16 the record for the benefit of the public.

17 For the benefit of the public, a nuclear
18 reactor consists of a huge stainless steel vessel that
19 contains many fuel rods, which are long pipes filled
20 with enriched uranium-235 pellets. The fuel rods are
21 combined in fuel rod assemblies and are positioned in
22 such a manner to cause a nuclear reaction in the
23 reactor's core. This event is called criticality, at
24 which time billions of atoms split and release neutrons,
25 which are contained by the reactor's stainless steel

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1 vessel.

2 This process creates a tremendous amount of
3 heat energy which is transferred to the primary
4 radioactive side of steam generators where the heat
5 energy is transferred to the secondary non-radioactive
6 side of the steam generators where it flashes the steam
7 and spins a steam turbine generator to make electric
8 power.

9 Now, turning to the instant action
10 regarding licensed operations at the Turkey Point
11 Nuclear Plant, in this discussion I will speak to
12 various NRC safety regulations under 10 CFR Part 50 that
13 the Florida Power & Light Company relaxed with the
14 blessing of the NRC. The rushed approval of the license
15 amendment request by the NRC appears to accommodate the
16 licensee's economic interests over and above the health
17 and safety of the public and the environment, as I will
18 explain in greater detail.

19 At this time, I'm going to pull up
20 attachment number four. Attachment four, for the
21 record, is a letter from Florida Power & Light Company
22 to the NRC dated July 22nd, 2014, license amendment
23 request number 231, application to revise ultimate heat
24 sink temperature limits - supplement one, and response
25 to request for additional information, a 16-page

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1 document.

2 The licensee states, in part, in that
3 document that in reference one, Florida Power & Light
4 Company, FPL -- hello?

5 MS. KLETT: We're still here.

6 MR. SAPORITO: Okay. I hear something
7 ringing. All right. Can you hear me over that, or
8 should I wait? It's kind of loud on my end.

9 MR. MORRIS: Yes, it's loud here. That's
10 really odd. I don't know.

11 MR. SAPORITO: Yes, I guess we're being
12 recorded on his phone. All right. I'm going to
13 continue here. I'll talk about attachment four. The
14 licensee states in their letter, in part, that, in
15 reference one, Florida Power & Light Company, FPL,
16 requested an amendment to the technical specifications
17 for the Turkey Point Nuclear Plant Units 3 and 4. In
18 reference two, FPL requested the NRC to review and
19 approve the application on an emergency basis. I'll
20 say that again: on an emergency basis.

21 This letter supplements the application by
22 revising the proposed surveillance requirements, and
23 the acronym is SR for that, for the ultimate heat sink,
24 or UHS. The revision to the proposed surveillance
25 requirements is contained in enclosure one.

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1 In addition, enclosure two to the letter
2 provides the FPL response to the request for additional
3 information, or RAI, contained in reference three. In
4 reference one, application proposed to revise the UHS
5 water temperatures limit from 100 degrees Fahrenheit to
6 104 degrees Fahrenheit with consideration for
7 instrument uncertainty. This supplement revises the
8 proposed wording in the SR, surveillance requirements,
9 to be consistent with a limiting condition for
10 operation, increase of the proposed frequency of
11 verifying UHS water temperature when the water
12 temperature exceeds 100 degrees Fahrenheit and adds a
13 requirement to the SR for surveillance to add instrument
14 uncertainty to the indicated value.

15 Now, before discussing the concerns
16 related to the licensee's actions, as stated in their
17 July 22nd, 2014 letter to the NRC, I'm going to restate
18 three requests outlined in the 2.206 enforcement
19 petition as follows, and I'm going to paraphrase here.
20 The NRC was requested to require FPL to complete the
21 following actions. Number one, the licensee completes
22 an independent evaluation via a contractor to assess and
23 to fully understand and correct the root cause of the
24 rise in temperature of cooling water in canals utilized
25 by the licensee to cool the two nuclear reactors at

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1 Turkey Point nuclear facility. It's noted here that
2 the word "evaluation" was inadvertently omitted from
3 the original 2.206 petition but is now incorporated into
4 the petition through this reference.

5 Number two, the licensee completes a
6 comprehensive evaluation of all nuclear safety-related
7 plant equipment and components which may have been
8 otherwise affected as a direct or indirect result of the
9 increase in the cooling water temperature in the canals.
10 And three, the licensee complete an independent safety
11 assessment through a third-party contractor to review
12 all plant nuclear safety-related equipment and/or
13 components to ensure that the nuclear safety-related
14 systems and/or components will properly function to
15 protect public health and safety under all NRC
16 regulations and requirements under 10 CFR Part 50 and
17 under other NRC regulations and requirements in
18 operating the two Turkey Point nuclear reactors with
19 cooling water from the canal in excess of 100 degrees
20 Fahrenheit.

21 Okay. At this time, I'll take a second to
22 pull up attachment number three. Attachment three I've
23 identified as a Federal Register, Volume 79, Number 157
24 dated August 14, 2014 in which the NRC documented in a
25 summary that the U.S. Nuclear Regulatory Commission,

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1 NRC, approved the request by Florida Power & Light
2 Company, the licensee, for amendments to renew facility
3 operating licenses under DPR 31 and DPR 41 issued to the
4 licensee for operation in the Turkey Point Nuclear
5 Generating Units 3 and 4 at Turkey Point located in
6 Miami-Dade County, Florida. The amendments revise the
7 ultimate heat sink, UHS, water temperature limit -- the
8 amendments revise the ultimate heat sink water
9 temperature limit at Turkey Point's technical
10 specifications from 100 to 104 degrees Fahrenheit and
11 revise surveillance requirements for monitoring UHS
12 temperature and component cooling water, heat
13 exchangers and -- I don't know if that computer is going
14 to quit or not.

15 Everybody still there?

16 MR. MORRIS: Yes, we're here.

17 MS. KLETT: Yes, we're still here.

18 MR. SAPORITO: All right. Again, I was
19 speaking about attachment three. Now, for the record,
20 as reflected in attachment three, the licensee
21 submitted their license amendment request on July 10th,
22 2014, and the NRC approved that request on August 14th,
23 2014. And I may stand corrected on that date because
24 I believe the chairman of the PRB earlier stated on the
25 record that the NRC approved it on August the 8th, 2014

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1 but doesn't have this document in the Federal Register,
2 and so that's why I put it in here.

3 Okay. So I'm going to restate that. Now,
4 for the record, as reflected in attachment three, the
5 licensee submitted their license amendment request on
6 July 10th, 2014, and the NRC approved that request on
7 August 14th, 2014, notwithstanding the Chairman's
8 comments. That's then one month later, omitting the
9 weekends, despite the fact that my 2.206 enforcement
10 petition was submitted to the NRC on July 18th, 2014
11 requesting the Agency to require the licensee to retain
12 an independent contractor to make a safety evaluation
13 and review prior to the Agency approving the license
14 amendment request.

15 Clearly, the NRC apparently places the
16 licensee's economic interests related to continued
17 operation of the Turkey Point Nuclear Plant over and
18 above the Agency's stated mission to protect public
19 health and safety and the environment. Over the last
20 26-year period, my engagement with the NRC in submitting
21 enforcement petitions consistently resulted in the
22 Agency acting in the interest of the affected licensee
23 rather than for the protection of public health and
24 safety and the environment. To this extent, I have
25 filed a complaint with the NRC Office of Inspector

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1 General and ask that the NRC staff be investigated in
2 these circumstances.

3 At this time, I'm going to pull up
4 attachment number nine. Attachment number nine I'm
5 identifying for the record is a letter from the Florida
6 Power & Light Company to the NRC dated July 29th, 2014,
7 license amendment request number 231, application to
8 revise ultimate heat sink temperature - supplement two,
9 and response to request for additional information and,
10 in parentheses, RAI-5 and BOP RAI-5 and 5.1, closed
11 parenthesis, one three-page document.

12 As stated by the licensee in attachment
13 nine at the bottom of page one and continuing on page
14 two, FPL requested the NRC to review and approve the
15 application on an emergency basis. However, there was
16 no reason for the NRC to act on an emergency basis. The
17 licensee has ample capacity to provide uninterrupted
18 electric service to its customers without operations of
19 the Turkey Point Nuclear Plant. And, B, the licensee
20 has, over the last several years, brought several new
21 gas-operated power plants online. Moreover, the
22 licensee has taken the Turkey Point Nuclear Plant to a
23 cold shutdown mode of operation to refuel the reactor.
24 Their customers continue to receive uninterrupted
25 electric service during those refuelings.

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1 For these reasons standing alone, I request
2 on the record that the NRC's Inspector General's Office
3 be provided a copy of the record transcripts of this
4 meeting, along with all documents exchanged between the
5 licensee and the NRC between the email communications
6 so that the Inspector General's Office can make a
7 determination whether the NRC engaged in wrongdoing in
8 rushing the approval of the licensee's license
9 amendment request in blatant disregard for the
10 protection of public health and safety and the
11 environment and without proper consideration of the
12 instant petition and my elaboration on that petition,
13 as I am doing so today.

14 Before I get into a more detailed
15 discussion of the licensee's license amendment request,
16 let the record reflect that the Turkey Nuclear Plant was
17 designed and built for safe operation with the ultimate
18 heat sink water temperature at 100 degrees Fahrenheit
19 or less. Moreover, the licensee sought and received an
20 operating license from the NRC with a submittal of its
21 final safety analysis review, or FSAR, and updated FSAR
22 which specified that the ultimate heat sink water
23 temperature was required to be 100 degrees Fahrenheit
24 or less. That safety margin then became part of the
25 licensee's technical specifications for the Turkey

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1 Point Nuclear Plant.

2 Now I'm going to pull up attachment number
3 four, if I can find it here. There it is. Identify
4 attachment number four as a letter from Florida Power
5 & Light Company to the NRC dated July 22nd, 2014, license
6 amendment request 231, application to revise ultimate
7 heat sink temperature limits - supplement one, and
8 response to request for additional information. It's
9 a 16-page document.

10 As stated by the licensee in this document
11 at page three, now we've got page three of the
12 supplement, the licensee states that the limit on the
13 ultimate heat sink, or UHS, temperature in conjunction
14 with the surveillance requirement of technical
15 specification 3/4.7.2 will ensure that sufficient
16 cooling capacities available either, one, to provide
17 normal cool-down of the facility or, two, to mitigate
18 effective actions and conditions within acceptable
19 limits. FPL has the option of monitoring the UHS
20 temperature by monitoring the temperature in the ICW
21 system piping to the inlet of CCW heat exchanger.
22 Monitoring the UHS temperature after the ICW but prior
23 to the CCW heat exchanger is considered to be equivalent
24 to temperature monitoring before the ICW pumps. The
25 supply water leaving the ICW pumps will be mixed and,

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1 therefore, will be representative of all UHS
2 temperatures to the CCW heat exchanger inlet.

3 The effect of the pump heating on the supply
4 water are negligible due to low ICW head and high-water
5 volume. Accordingly, monitoring the UHS temperature
6 after the ICW pumps but before the CCW heat exchanger
7 provides an equivalent location for monitoring the UHS
8 temperature. With the implementation of the CCW heat
9 exchanger performance monitoring program, the limiting
10 UHS temperature can be treated as a variable with an
11 absolute upper limit of 100 degrees Fahrenheit without
12 compromising any margin of safety.

13 Demonstration of actual heat exchanger
14 performance capabilities support the system operation
15 with postulated canal temperatures greater than 100
16 degrees Fahrenheit. Therefore, the upper technical
17 specification limit of 100 degrees is conservative.

18 All right. As can be seen here, the Turkey
19 Point Nuclear Plant employs a vast amount of
20 highly-technical safety-related equipment, which is
21 intended to protect public health and safety by
22 preventing a nuclear accident. The licensee's
23 assumption that the heat exchanger's performance
24 supports system operations of postulated canal
25 temperatures greater than 100 degrees Fahrenheit is

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1 conservative should be reviewed and evaluated by an
2 independent contractor who can take the time needed to
3 make a proper review and investigation about this
4 important safety-related equipment. Instead, the NRC
5 made a rush decision in a very short period of time and
6 without properly considering the instant 2.206
7 enforcement petition.

8 Now, continuing with attachment four, the
9 licensee goes on to state at page three and four, I
10 believe, of the supplement that 2.2 proposed technical
11 specification and base changes, the proposed revision
12 to technical specification 3/4.7.4, LCO 3.7.4 -- and,
13 for the public, that means limiting conditions of
14 operation -- the ultimate heat sink shall be operable
15 with an average supply water temperature less than or
16 equivalent to 104 degrees Fahrenheit. Current SR 4.7.4
17 would be revised as follows: "4.7.4, the ultimate heat
18 sink shall be determined operable A) at least once for
19 24 hours by verifying the average supply water
20 temperature is less than or equivalent to 104 degrees
21 Fahrenheit. SR 4.7.4.B would be added, B) at least once
22 per hour by verifying average water temperature is less
23 than 104 degrees Fahrenheit when water temperature
24 exceeds 100 degrees Fahrenheit."

25 "The current technical specification bases

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1 above will be supplemented with the following two
2 paragraphs: verifying UHS water temperature at least
3 once for 24 hours is adequate to ensure the limit of 104
4 degrees Fahrenheit is not exceeded when the water
5 temperature is less than 100 degrees. Due to the daily
6 variations in temperature, when UHS water temperature
7 exceeds 100 degrees Fahrenheit, the water temperature
8 shall be verified at least once per hour to ensure the
9 cooling canal's system temperature variations are
10 appropriately captured, thus ensuring the technical
11 specification limit is not exceeded.

12 For UHS water temperature monitoring surveillance
13 requirements, instrument measurement uncertainty is
14 added to the indicated value to ensure technical
15 specification is not exceeded."

16 All right. So here the licensee's
17 revisions to the reactor safety margins as stated in SR
18 4.7.4.B is flawed insofar as a licensee will only
19 conduct a surveillance on the UHS water temperature once
20 every 24 hours when the UHS water temperature is less
21 than 100 degrees. Moreover, the licensee contends that
22 only when the UHS water temperature exceeds 100 degrees
23 will the surveillance be performed at least once per
24 hour.

25 Well, here's a hypothetical analysis of why

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1 the licensee's SR 4.7.4.B is flawed. Let's assume
2 that, during normal power operations at the Turkey Point
3 Nuclear Plant, a surveillance was performed on UHS water
4 temperature at midnight and found to be at less than 100
5 degrees Fahrenheit. To the extent that UHS water
6 temperature was less than 100 degrees Fahrenheit, the
7 licensee would not again perform a surveillance until
8 midnight the following day.

9 Now, assume that at 0100 hours the UHS water
10 temperature rises to 105 degrees or higher. The
11 licensee would remain unaware of the increase in the
12 water temperature until the next surveillance at
13 midnight the following day. So in this hypothetical,
14 the licensee would be in violation of its reactor safety
15 margins and NRC regulations and requirements for a
16 period of at least 11 hours.

17 The licensee then states at page five of the
18 document, the attachment, that a revision to TS SR
19 4.7.4.B is proposed that will increase the frequency of
20 monitoring UHS temperature when water temperature
21 exceeds 100 degrees from at least once every six hours
22 to at least once per hour. This increased frequency
23 ensures that the cooling canal temperature variations
24 are appropriately captured, which we can see is based
25 on experience with temperature trends over the course

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1 of each day.

2 All right. These revisions by the
3 licensee to TS SR 4.7.4.B amply demonstrates that the
4 licensee failed to conduct a thorough fault tree
5 analysis and that the basis for the licensee's LAR was
6 performed in a rushed and hurried manner. For this
7 reason standing alone, petitioner's request outlined in
8 the 2.206 enforcement petition for the licensee to
9 retain an independent contractor to evaluate the
10 application and the effects of changing the UHS water
11 temperature to 104 degrees Fahrenheit should be granted
12 by the NRC.

13 To the extent that the NRC reviewed the
14 licensee's LAR on a rushed and emergency basis and
15 subsequently approved the LAR as-is, the NRC OIG should
16 investigate the NRC's actions accordingly. Here, the
17 NRC cannot have any measure of reasonable assurance that
18 the licensee's revision to the technical specification
19 changes requested and their supplements do not alter the
20 determination of no significant hazards and the
21 environment consideration contained in the licensee's
22 reference one application, as suggested by the licensee
23 that their revised request is bounded by the basis to
24 change the entire UHS temperature limit contained in the
25 application and the proposed changes to the tech specs'

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1 surveillance requirements provide additional
2 restriction on verifying compliance with UHS water
3 temperature limit.

4 Indeed, the licensee's contentions related to these
5 safety margins must be evaluated by an independent
6 contractor to protect public health and safety and the
7 environment in these circumstances.

8 All right. At this time, I'm going to pull
9 up attachment number five and identify this document on
10 the record as a letter from Florida Power & Light Company
11 to the NRC dated July 22nd, 2014, response to request
12 for additional information regarding license amendment
13 request 231, application to revise technical
14 specification to revise ultimate heat sink temperature
15 limit, 11 pages.

16 As stated in attachment five of page two in
17 enclosure to that document, the licensee states,
18 "Accordingly, the NRC staff are concerned that the LAR
19 to revise the UHS water temperature from 100 degrees
20 Fahrenheit to 104 degrees Fahrenheit could adversely
21 affect the population to the American crocodile," and
22 then there are these words "Crocodylus acutus." I
23 don't know if I pronounced that right or not.

24 Moving on, "The Turkey Point site and
25 designated critical habitat on the plant site." So

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1 there the NRC staff has a concern about the environment
2 in that environment as it relates to the LAR.

3 And continuing, "The licensee responded,
4 in part, by stating that in 2011 Florida Power & Light
5 Company increased the crocodile monitoring in the
6 cooling canal system (CCS). FPL and University of
7 Florida operate crocodile monitoring to assess spatial
8 distribution, growth, and survivorship of crocodiles.
9 FPL committed to a minimum of two years post-operating
10 monitoring to ensure the increase in temperature and
11 salinity will have no impact to the crocodile population
12 using the CCS."

13 "Both units have been operating in the
14 operated mode since June of 2013. Surveys consist of
15 spotlight surveys every other month, 2011 to 2013, and
16 capture and tagging surveys three times a year." And
17 just for the public's information, when we talk about
18 uprates, we're talking about a power uprate at Turkey
19 Point Nuclear Power Plant.

20 Okay. So here again, the licensee's
21 contentions to the NRC must be validated by an
22 independent contractor to ensure that the affected
23 wildlife living in and around Turkey Point Nuclear Plant
24 is not adversely affected by the increase in water
25 temperature and the increase in salinity of the canal

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1 water.

2 Moreover, at page three of the reference
3 document, the licensee states that FPL has several
4 stations that monitor temperature and CCS on an hourly
5 basis below the time series plot for four of those
6 stations. Okay. So, now, if you look closely at the
7 licensee's temperature plot, it can be determined that,
8 following the licensee's June 2013 uprate at the Turkey
9 Point Nuclear Plant, the canal water temperature has
10 consistently visited a value at or above 100 degrees
11 Fahrenheit. It appears that the Turkey Point uprate
12 significantly contributed to the increase in canal
13 water temperature.

14 And you can look on that graph, and there's
15 a date on the bottom, the horizontal axes and the
16 vertical axes gives you the temperature. And then
17 there's, it looks like six and three sampling points
18 them talking about in the document. CTS one, below in
19 the blue, spends a lot of time above 100 degrees and it
20 looks like in my chart, looking at my chart, it looks
21 like it got up to maybe 115 at one point. But,
22 nonetheless, the graph shows the uprate the Turkey Point
23 Nuclear Plant significantly contributed to an
24 increase in the water temperature.

25 The petitioner contends here that not only

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1 is this consistently high canal water temperature a
2 danger to the wildlife that lives in the canal, it poses
3 a serious threat to the continued license --

4 MS. KLETT: Hello. This is Audrey Klett
5 from NRC. Mr. Saporito, can you hear me?

6 MR. SAPORITO: Hello. Can you hear me?

7 MS. KLETT: Hi, Mr. Saporito. This is
8 Audrey Klett.

9 MR. SAPORITO: Yes, I don't know what
10 happened there. I was disconnected.

11 MR. MORRIS: You were just -- this is Scott
12 Morris -- you were just starting to make a point about,
13 you said that the rise in ultimate heat sink temperature
14 was a threat to wildlife, and you started to say and it
15 was a serious threat to something, and then you cut off.

16 MR. SAPORITO: Okay.

17 MS. KLETT: And you were speaking from
18 attachment five at the time.

19 MR. SAPORITO: Okay. So the licensee --
20 okay. So I was talking about attachment five. Oh,
21 okay. I don't know where I left off. Attachment five.
22 I think I talked about, they're talking about the
23 environmental impacts of the increase in the temp of the
24 water and the salinity of the water.

25 So here again, the licensee's contention

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1 that to ensure that the affected wildlife living around
2 Turkey Point plant will not, of course, be affected by
3 the increase in water temperature and the increase in
4 salinity. And, moreover, page three of the reference
5 document states that FPL has several stations that
6 monitor the temperature in the CCS on an hourly basis.
7 Below is a time series plot for four of those stations.

8
9 Now, if you look closely at the licensee's
10 plot, it can be determined that the licensee's June 2013
11 uprate at the Turkey Point Nuclear Plant, the cooling
12 water temperature has consistently visited a value at
13 or above 100 degrees Fahrenheit. It appears that the
14 Turkey Point uprate significantly contributed to the
15 increased canal water temperature. And if you look at
16 that chart, the horizontal axis is time based and the
17 vertical axis is temperature based, and then there's
18 four color-coded samplings, CCS 1, 2, 6, and 3. At the
19 very top on there, you can see how elevated it is above
20 100 degrees the majority of the time, and the other ones
21 also spent quite a bit of time above the 100-degree
22 level. And you can see, as of the
23 uprate, the June 2013 uprate, this is when the increased
24 temperature occurred. So the petitioner contends here
25 that not only is this consistently-high canal water

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1 temperature a danger for the wildlife that lives in the
2 canal, posing a serious threat to continued life and
3 operations at Turkey Point Nuclear Plant. For this
4 reason standing alone, the NRC should grant the requests
5 outlined in 2.206 enforcement petition to protect
6 public health and safety and environment and require the
7 licensee to have a contractor to independently
8 investigate the root cause of the increase in the canal
9 water temperature. And I know here, the NRC has, to
10 date, failed to identify the root cause of either the
11 water temperature increase in the canals or the increase
12 in the salinity of the water.

13 And at this time, I'm going to pull out
14 attachment number six. Attachment six is a letter from
15 Florida Power & Light Company to the NRC dated July 24th,
16 2014, response to the containment ventilation breach
17 branch request for additional information regarding
18 license amendment request number 231, application to
19 revise ultimate heat sink temperature limits. The
20 document is ten pages.

21 The license states in attachment six, pages
22 seven and eight in their supplement to that document,
23 that increasing the ICW temperature to 104 degrees
24 Fahrenheit without reducing the CCW heat exchanger
25 fouling factor provides insignificant changes to the

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1 containment peak pressure and containment peak
2 saturation temperatures, and I'm paraphrasing here.
3 You all are able to read these details for yourself.

4 And I'm not going to read that whole
5 paragraph, but here the petitioner contends that,
6 considering the concerns before the PRB today, the NRC
7 cannot have any measurable reasonable assurance that
8 the current results provided in the updated final safety
9 analysis report will remain valid for the increase in
10 ICW temperature to 104 degrees Fahrenheit and that the
11 license to operate the Turkey Point plant in strict
12 compliance with NRC regulations and requirements.
13 Again, the NRC should grant the request made in this
14 2.206 enforcement petition to protect public health and
15 safety and the environment in these circumstances.

16 And then attachment nine, I'll pull that
17 out real quick. Attachment nine is a letter again from
18 Florida Power & Light to the NRC dated July 29th, 2014.
19 It's related to the LAR 231, and it's regarding the
20 ultimate heat sink temperature. And it's supplement
21 two and response for additional information by the NRC.

22 The licensee states in attachment nine at
23 page two of the supplement, it referenced one
24 application approach by altering the UHS water
25 temperature limit from 100 degrees Fahrenheit to 104

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1 degrees Fahrenheit with consideration of instrument
2 uncertainty and add an SR to the increase of the UHS
3 water temperature for at least once every six hours when
4 the water temperature exceeds 100 degrees. And then
5 they go on to talk about the various requirements in that
6 section, and you can read the rest for yourself.

7 But here the petitioner contends the
8 frequency of performing a CPW heat exchanger
9 performance test should be at least once per seven days,
10 given the degradation that is possible to the heat
11 exchanger due to the increased water temperature and the
12 rising salinity of the canal water. For this reason
13 standing alone, the NRC should grant the requests made
14 in the 2.206 enforcement petition to protect public
15 health and safety and the environment in these
16 circumstances.

17 And now I'm going to turn, pull up
18 attachment two. For the record, this is a Miami Herald
19 news article dated August 28th, 2014 entitled "Florida
20 Power & Light Cooling Canal to Turkey Point Still Too
21 Hot," and it's a two-page document.

22 This document identifies concerns related
23 to the fragile ecosystem in and about the Turkey Point
24 Nuclear Plant. Just very quickly, the article
25 identifies concerns about pumping up to 100 million

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1 gallons of water a day from the nearby canal system.
2 That 100 million gallons would be in addition to 14
3 million gallons a day from the Florida aquifer that
4 water managers approved in June after high temperatures
5 threatened to shut down the reactors.

6 And it goes on to say that diverting water
7 to the canals has new concerns about damaging Biscayne
8 Bay, which has withered over the decades as water from
9 the historic Everglades flows out redirected in a canal
10 system designed to prevent flooding. And
11 environmentalists worry that increasing the heavy salty
12 water in the canals is sinking deeper, pushing an
13 underground saltwater plume further inland.
14 Environmentalists have also warned that the \$3 billion
15 expansions at the plant to generate 15 percent more
16 power has driven up canal temperatures.

17 Attachment 13. Again, this is a Miami
18 Herald news article dated August 5th, 2014 entitled
19 "Feds Okay Hotter Water to Operate Turkey Point Nuclear
20 Reactors," three pages. Here, again, concerns are
21 raised. Florida cannot generate energy with this much
22 water consumption, as stated by Laura Reynolds,
23 Executive Director of the Tropical Audubon. This sort
24 of thing is in direct conflict with the Everglades
25 restoration and that really is the heart of the problem.

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1 And it goes on to say that FPL consistently
2 said increasing power at the plant does not raise water
3 temperature in the canals, which acts as a radiator,
4 cooling reactors by circulating water around the cores
5 and letting the water cool as it moves across 168 miles
6 of shallow waterways over two days before re-entering
7 the reactors.

8 Okay. David Lochbaum, who used to be an
9 NRC employee, he said that that doesn't seem credible
10 at all, a nuclear engineering director of the Nuclear
11 Safety Project for the Union of Concerned Scientists,
12 nuclear power plants are only 33-percent efficient and
13 only one-third goes out on the wires and the other
14 two-thirds must be released into the environment. It
15 wastes heat. That's why all these plants are built next
16 to large bodies of water.

17 FPL says below-average rainfall since 2013
18 is mostly to blame for the warmer water that has fueled
19 the algae bloom. FPL says the rain over the canals
20 remained at normal levels between 2011 and 2013, but in
21 2013, the yearly total dropped to just over 19 inches,
22 about 30 inches off the average. But that was
23 contradicted by the water managers. South Florida
24 Water Management District says the rainfall in
25 southeast Miami-Dade has been average, totaling just

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1 under 40 inches in 2013 and just over 33 inches in
2 August. That's not hugely wet, but it's pretty wet.
3 It's definitely not dry said the District meteorologist
4 Geoff Shaughnessy, S-H-A-U-G-H-N-E-S-S-Y. We've had
5 several droughts in the last 14 years, and they didn't
6 have an issue, meaning FPL didn't have an issue even
7 though they had these droughts.

8 And the last document here, well, second to
9 the last, number 14, attachment 14. Attachment 14 is
10 a Miami Herald news article dated August 2nd, 2013
11 entitled "South Florida Rainfall Sets July Records," a
12 one-page document.

13 So on August the 2nd, 2013, the National
14 Weather Service also reported that it was the wettest
15 month of July on record for two cities. Miami Beach's
16 18.57 inches was the most rain in July for records dating
17 to 1927, a whopping 14.12 inches above typical rainfall.
18 So, I mean, that's a contradiction of FPL's contention
19 that there wasn't enough water, okay?

20 The last attachment here, number 15, is a
21 July 22nd memorandum to Jennifer L. Dixon-Herrity, the
22 Branch Chief, Environmental Projects Division, New
23 Reactor Licensing, Office of New Reactors. And in this
24 document, in this document or this attachment, at page
25 two, I'll just read a couple of sentences there. It

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1 says specifically -- and this relates to the new
2 reactors that they want to build to 6 and 7. I just want
3 to make a point here because the NRC did an environmental
4 impact study, and they say here that, specifically, the
5 staff requested the following from FPL: 1) potential
6 noise impacts to aquatic species in the area of the
7 nuclear island, RCW, and barge slip. Mainly, the
8 manatee, five species of threatened and endangered sea
9 turtles, small-tooth sawfish, American crocodile, and
10 the Nassau grouper; 2) expected noise activity during
11 the construction of the nuclear island, RCW, and barge
12 slip; and 3) expected length and distance the sound
13 would extend (especially for RCW - construction of
14 caissons and drilling horizontally; and 4) estimates of
15 what time of day the construction will take place and
16 are there potential time of year restrictions.

17 That shows you that the NRC took their time
18 and looked into the environmental concerns and issues
19 regarding Turkey Point 6 and 7. They didn't take that
20 time or extend the effort. In fact, they made a rushed
21 judgment on an emergency basis, as requested by the
22 licensee, to quickly approve this license amendment
23 request at Turkey Point Units 3 and 4. And that's the
24 potential issue here.

25 In summary, the licensee has admitted that

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1 the water temperature in the canal system and in and
2 about Turkey Point Nuclear Plant has risen and that the
3 canal system and the UHS specified in the licensee's
4 updated final safety analysis report an increase in the
5 canal water temperatures decreased elsewhere were
6 evidence that the June 2013 uprate at Turkey Point
7 Nuclear Point is the main cause and the root cause for
8 the increase in the canal water temperature.

9 Moreover, the increased salinity of the
10 canal water remains a mystery for the licensee, as the
11 licensee failed to identify and correct the root cause
12 for the increase. To the extent that the increase in
13 salinity of the canal water can adversely affect heat
14 transfer and vital safety-related plant equipment and
15 components, the licensee has failed to conduct the
16 surveillance frequency adequately in these
17 circumstances.

18 For all these reasons, the NRC should grant
19 the requests in the 2.206 enforcement petition to
20 protect public health and safety and the environment in
21 these circumstances. Okay.

22 MR. MORRIS: I'm sorry. I hate to
23 interrupt you, but there's some noise on the line. If
24 everybody on the line except for you could go on mute,
25 it would be greatly appreciated because we're hearing,

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1 like, honking horns and playing children and all kinds
2 of -- it's hard to hear you, and I want to make sure we
3 get an opportunity to hear you. And we'll give you an
4 extended amount of time, obviously, to complete your
5 presentation.

6 MR. SAPORITO: Okay. Did you hear the
7 summary portion of that? Because . . .

8 MR. MORRIS: It was hard, but I think we got
9 it. I can still hear the kids in the background. I
10 don't know what that's from.

11 MR. SAPORITO: So I can take any questions
12 right now because that's all I have for you at this time.
13 Hello?

14 MR. MORRIS: Okay. We're here, yes.
15 Does anybody have any questions for Mr. Saporito? I
16 actually had one question. This is Scott Morris. You
17 made mention of CCW, component cooling water, heat
18 exchanger performance tests and surveillance
19 requirements.

20 MR. SAPORITO: Yes.

21 MR. MORRIS: Not sure I completely
22 understand the point you were trying to make when you
23 were talking about the increased performance testing on
24 the CCW heat exchangers and its relationship to safety
25 reduction. I missed something there.

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1 MR. SAPORITO: The concern is that the
2 salinity in the water, along with the increased
3 temperature, will foul those heat exchangers more
4 readily, degrade them more readily. And I'm just
5 saying that the surveillance is not repetitive enough.
6 It needs a seven-day window instead of the extended
7 windows that the licensee has requested.

8 MR. MORRIS: Okay. That's helpful. I
9 appreciate that clarification.

10 MR. SAPORITO: Are there any other
11 questions?

12 MR. MORRIS: Yes, there is, actually. Go
13 ahead.

14 MR. CARPENTER: Mr. Saporito, this is
15 Robert Carpenter from the Office of Enforcement.

16 MR. SAPORITO: Okay.

17 MR. CARPENTER: It was in your petition
18 that you asked the NRC -- let me pull it out so I don't
19 get this wrong. But you asked for the NRC to take
20 escalated enforcement action and also to issue a very
21 large civil penalty. I wondered if you could elaborate
22 on the basis of that from a regulatory standpoint. What
23 would be the basis of the escalated enforcement and the
24 civil penalty?

25 MR. SAPORITO: Well, I think the licensee

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1 misled the Agency, the NRC, in this regard with respect
2 to the license amendment request. And more so, they put
3 the NRC staff on a demand for a less expedited judgment
4 and decision on an emergency basis. And the licensee
5 knew well in advance that there was no emergency.
6 Turkey Point Nuclear Plant, I used to work there at one
7 time. You know, the plant gets shut down regularly for
8 refueling, replacing one-third of the reactor's core,
9 and stops for an extended period of time, maybe two or
10 three months. Nobody loses power. Everybody's lights
11 still come on when they turn the switches. And the
12 reactors, as documented within NRC records, those
13 reactors trip offline when safety systems are violated,
14 and so they're down again and nobody loses power.

15 So for the licensee to contend to the NRC
16 staff that we need this now, we need this on an emergency
17 basis, that's just pure not true. They do not. They
18 have built out the grid with various gas-fired plants
19 recently, and they have more than enough capacity to
20 meet the needs of South Florida without having Turkey
21 Point online.

22 Clearly, if FPL is making the point with the
23 NRC that they got to have Turkey Point online, they're
24 misleading the Florida Public Service Commission
25 because, you know, they said their grid is reliable and,

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1 you know, they can withstand a planned outage and such.
2 So they can't have it both ways, you know?

3 It's just plain wrong, though, in my
4 belief. It's plain wrong on the part of the licensee
5 to assert to the NRC staff that there's some emergency
6 that requires immediate action by the NRC staff. And
7 this is what's happening. I think this needs to be
8 reviewed by the NRC staff. They did this in a hurry and
9 a rushed manner. And, you know, believe me, I'm not a
10 technical expert by any stretch of the imagination, but
11 I came up with some concerns here on a very cursory and
12 brief review of these documents because I didn't have
13 the time to review it. You give these to a certified
14 nuclear engineering contractor, they need to go through
15 this and they need to find out if there are any nuclear
16 safety implications found with these reactors
17 operating.

18 That's what this is all about, your safety
19 design basis, and that's the heart of the matter right
20 there. Why did the licensee, you know, intentionally
21 and in writing demand an emergency decision by the NRC?
22 I don't think I've ever seen those words on paper by a
23 licensee in my dealings with the NRC over the years with
24 any licensee that I've challenged with a 2.206 petition.
25 So that's very unusual, as far as I'm concerned. And

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1 I think that needs to be investigated. Why was this
2 requested emergency? And that's the basis.

3 MR. CARPENTER: Okay. Thank you.

4 MR. MORRIS: This is Scott Morris. Are
5 there any other folks from NRC headquarters who have
6 questions for Mr. Saporito? If not, how about Region
7 II?

8 MR. SANDAL: This is Shane Sandal. No
9 questions from Region II.

10 MR. MORRIS: Okay. How about Florida
11 Power & Light? Any questions? All right. I'm not
12 hearing any. How about any members of the public that
13 may be on the line? Are there any questions for the
14 petitioner? I'm sorry. Yes, I was corrected. This
15 is about the process that we're engaged, not the
16 petition itself. Okay.

17 Well, I don't hear any further questions,
18 Mr. Saporito. I appreciate the information that you
19 provided. But that concludes today's meeting, and I
20 want to make sure that members of the public know that
21 they can provide comments regarding this petition and
22 ask questions about the 206 process itself. But as we
23 stated in the opening, the purpose of this meeting was
24 not to provide an opportunity for the petitioner or the
25 public to question or examine the Petition Review Board

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1 members regarding the merits of the petition itself.

2 So with that, Mr. Saporito, I want to thank
3 you again for taking the time to provide us here at NRC
4 with the clarifying information regarding the petition
5 you've submitted.

6 MR. SAPORITO: Mr. Chairman, if I could
7 just interrupt, I just, for the record and for your
8 information, I'm going to email Audrey a copy of this
9 presentation so they can put it in the record in case
10 the court reporter missed anything because I could not
11 --

12 MR. MORRIS: That's fine. That would
13 actually be good because, you know, I don't know what
14 was going on with the phones today, and I apologize for
15 that. But that would help us, I think.

16 (Whereupon, the above-entitled matter went
17 off the record at 4:28 p.m.)

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