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RE Seabrook 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

SEABROOK STATION

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TUESDAY

FEBRUARY 16, 2016

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The conference call was held, Robert Taylor, Chairperson of the Petition Review Board, presiding.

PETITIONERS

- PAUL BROWN, Union of Concerned Scientists
- SANDRA GAVUTIS, C-10 Foundation
- DEBBIE GRINNELL, C-10 Foundation
- DAVID LOCHBAUM, Union of Concerned Scientists
- CHRIS NORD, C-10 Foundation
- PAT SKIBBEE, C-10 Foundation

1 PETITION REVIEW BOARD MEMBERS

2 MICHAEL KING, Acting PRB Chairman, Acting  
3 Deputy Director, Office of Nuclear  
4 Reactor Regulation, Division of Safety  
5 Systems

6 LORRAINE BAER, Office of the General Counsel

7 JOHN G. LAMB, Petition Manager for 2.206  
8 petition, Office of Nuclear Reactor  
9 Regulation, Division of Operating  
10 Reactor Licensing

11 ROBERT TAYLOR, Deputy Director, Division of  
12 Safety Systems, Office of Nuclear  
13 Reactor Regulation.

14

15 NRC HEADQUARTERS STAFF

16 RUSSELL ARRIGHI, Senior Enforcement  
17 Specialist, Office of Enforcement

18 DOUG BROADDUS, Office of Nuclear Reactor  
19 Regulation, Division of Operating  
20 Reactor Licensing

21 DANIEL DOYLE, Acting Chief, Rulemaking Branch,  
22 Office of Nuclear Reactor Regulation

23 BRYCE LEHMAN, Technical Reviewer, Office of  
24 Nuclear Reactor Regulation, Division of  
25 Engineering

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1 TANYA MENSAH, Agency 2.206 Coordinator, Office  
2 of Nuclear Reactor Regulation, Division  
3 of Policy and Rulemaking  
4

5

6 NRC REGION I STAFF

7

8 FRED BOWER, Region I

9

10 PAUL CATALDO, Region I

11

12 CHRIS NEWPORT, Region I

13

14 BILL COOK, Region I

15

16 ALSO PRESENT

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18 STEVE HAMRICK, Counsel, NextEra Energy

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

2:00 p.m.

MEMBER LAMB: I'd like to thank everyone for attending this conference. My name is John Lamb. I am the U.S. Nuclear Regulatory Commission, NRC, project manager for Seabrook.

We are here today to allow the Petitioner, C-10 Research and Education Foundation, referred to as C-10 from this point forward, to address the Petition Review Board, PRB, regarding the 2.206 Petition dated December 22nd, 2015, Agency-wide Documents Access and Management System, ADAMS, Accession No. ML16006A002, as supplemented by email comments from David Lochbaum of the Union of Concerned Scientists, UCS, dated February 12th, 2016, ADAMS Accession No. ML16043A486, and email comments from Paul Brown dated February 14th, 2016, ADAMS Accession No. ML16047A020, and email comments by C-10 dated February 15th, 2016, ADAMS Accession No. ML16047A021.

I am also the petition manager for the petition. The PRB Chairman is Robert Taylor.

As part of the --

MS. GAVUTIS: Sandra Gavutis, C-10 Foundation.

MEMBER LAMB: As part of the PRB's review

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1 of this petition C-10 has requested this opportunity  
2 to address the PRB.

3 This meeting is scheduled from 2:00 p.m.  
4 to 4:00 p.m. Eastern Time.

5 The meeting is being recorded by the NRC  
6 Operations Center and will be transcribed by a court  
7 reporter. The transcript will become a supplement to  
8 the petition. The transcript will also be made  
9 available to the public.

10 I would like to open this meeting with  
11 introductions. The PRB Chairman is Robert Taylor, and  
12 Mike King will be the acting PRB Chairman who will be  
13 serving in a developmental capacity under the  
14 instruction of Robert Taylor.

15 I would like to start to have the rest of  
16 the PRB to introduce themselves as we go around the  
17 room. Please be sure to speak clearly and state your  
18 name, your position and the office that you work for  
19 within the NRC for the record.

20 I will start off. Once again, I am the  
21 NRC project manager for Seabrook, John Lamb.

22 MEMBER BAER: Lorraine Baer, attorney,  
23 Office of General Counsel.

24 CHAIRMAN TAYLOR: Rob Taylor, Deputy  
25 Director, Division of Safety Systems, Office of

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1 Nuclear Reactor Regulation.

2 MEMBER KING: Mike King, Acting Deputy  
3 Director, Division of Safety Systems, Office of  
4 Nuclear Reactor Regulation.

5 MEMBER LAMB: Are there any NRC  
6 participants from headquarters on the phone?

7 MS. MENSAH: Tanya Mensah, Office of  
8 Nuclear Reactor Regulation, Division of Policy and  
9 Rulemaking.

10 MR. ARRIGHI: Russell Arrighi, Senior  
11 Enforcement Specialist, Office of Enforcement.

12 MR. BROADDUS: Doug Broaddus, Office of  
13 Nuclear Reactor Regulation, Division of Operating  
14 Reactor Licensing.

15 MR. LEHMAN: Bryce Lehman, Technical  
16 Reviewer in the Division of Engineering.

17 MEMBER LAMB: Is anyone else from NRC  
18 headquarters on the line?

19 MS. GRINNELL: Debbie Grinnell. Sandra  
20 Gavutis. Three other people will call in.

21 MS. GAVUTIS: Thanks, Debbie. I'm here.

22 MS. SKIBBEE: Pat Skibbee, C-10  
23 Foundation.

24 MS. GAVUTIS: Sandra Gavutis, Executive  
25 Director, C-10 Foundation.

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1 MR. LOCHBAUM: Dave Lochbaum, Union of  
2 Concerned Scientists, Director of Nuclear Safety  
3 Project.

4 MEMBER LAMB: Are there any other  
5 Petitioners on the line?

6 MR. NORD: Chris Nord, C-10 Foundation.  
7 I identified myself before.

8 COURT REPORTER: This is the court  
9 reporter. I'm having some difficulty understanding  
10 Ms. Grinnell, Mr. Nord and Ms. Skibbee.

11 MEMBER LAMB: Debbie, your phone line is  
12 echoing. The court reporter is saying that he can't  
13 understand what you guys are saying.

14 MS. GRINNELL: Trying something else.  
15 Hello?

16 MEMBER LAMB: We can hear you. Steve, who  
17 do you have -- for the court reporter, where did you  
18 leave off that you couldn't hear?

19 COURT REPORTER: The only part that I was  
20 having a hard time hearing was the introductions.

21 MEMBER LAMB: You got Debbie Grinnell?

22 COURT REPORTER: Yes. Yes.

23 MEMBER LAMB: Okay. So we've got Chris  
24 Nord.

25 COURT REPORTER: Here's the thing, I was

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1 able to hear their introductions, but when they give  
2 a presentation, if they sound like that, I'll probably  
3 miss a good amount of it.

4 MEMBER LAMB: Okay. Chris Nord was  
5 another one from C-10. Is there a Pat Skibbee?

6 MS. SKIBBEE: Yes, I'm here.

7 MEMBER LAMB: Okay. And a Sandra Gavutis?

8 MS. GRINNELL: Yes, she is here.

9 MEMBER LAMB: Okay. And we have David  
10 Lochbaum from the Union of Concerned Scientists.

11 Is there anyone else from the Petitioners?

12 MS. GRINNELL: We have an expert, Paul  
13 Brown, who will be calling in probably very close to  
14 2:30.

15 MEMBER LAMB: Okay. Thank you.

16 MR. DOYLE: Hi, this is Dan Doyle. I'm  
17 the Acting Chief of the Rulemaking Branch in the  
18 Office of Nuclear Reactor Regulation.

19 MEMBER LAMB: Okay. Are there any NRC  
20 participants from the regional office on the phone?

21 MR. COOK: This is Bill Cook from Region  
22 I.

23 MR. BOWER: And Fred Bower from Region I.

24 MEMBER LAMB: Anyone else from Region I on  
25 the phone?

1 MR. CATALDO: Paul Cataldo, Region I.

2 MR. NEWPORT: Chris Newport from Region I  
3 as well.

4 MEMBER LAMB: Okay. Thank you. Are there  
5 any representatives for the Licensee on the phone?

6 MR. HAMRICK: Yes, this is Steve Hamrick,  
7 counsel for NextEra Energy Seabrook.

8 MEMBER LAMB: Okay. Thank you. I would  
9 like to emphasize that we each need to speak clearly  
10 and loudly to make sure that the court reporter can  
11 accurately transcribe this meeting. If you do have  
12 something that you would like to say, please first  
13 state your name for the record.

14 For those dialing into the meeting, please  
15 remember to mute your phones to minimize any  
16 background noise or distractions. If you do not have  
17 a mute button, this can be done by pressing the keys  
18 star, six. To un-mute, press the star key again.  
19 Thank you.

20 At this time I will turn it over to the  
21 Acting PRB Chairman, Mike King, under the instruction  
22 of the PRB Chairman, Robert Taylor.

23 MEMBER KING: Excuse me. To un-mute, you  
24 have to press star, six again.

25 MEMBER LAMB: Yes.

1 MEMBER KING: I just want to make sure  
2 people know that.

3 MEMBER LAMB: Yes. So mute, star, six.  
4 To un-mute, press star, six again.

5 MEMBER KING: Okay. Welcome everybody to  
6 this meeting regarding the 2.206 Petition submitted by  
7 C-10. I'd like to first share some background on our  
8 process.

9 Section 2.206 of Title 10 of the Code of  
10 Federal Regulations, 10 CFR, describes the petition  
11 process, the primary mechanism for public to request  
12 enforcement action by NRC in a public process. This  
13 process permits anyone to petition the NRC to take  
14 enforcement-type action related to NRC licensees or  
15 license activities. Depending on the results of its  
16 evaluation, NRC could modify, suspend or revoke an  
17 NRC-issued license, or take any other appropriate  
18 enforcement action to resolve a problem.

19 The NRC Staff Guidance for the disposition  
20 of 2.206 petition requests is contained with the  
21 Management Directive 8.11, which is available to the  
22 public via ADAMS Accession No. ML041770328.

23 The purpose of today's meeting is to give  
24 the Petitioner, C-10, an opportunity to provide any  
25 additional explanation or support for the petition

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1 before the Petition Review Board's initial  
2 consideration and recommendation.

3 This meeting is not a hearing, nor it is  
4 an opportunity for the Petitioner to question or  
5 examine the Petition Review Board on the merits or the  
6 issues presented in the petition request. No  
7 decisions regarding the merits of this petition will  
8 be made at this meeting.

9 Following this meeting the Petition Review  
10 Board will conduct its internal deliberations. The  
11 outcome of this internal meeting will be discussed  
12 with the Petitioner.

13 The Petition Review Board typically  
14 consists of a chairman, usually a manager at the  
15 senior executive service level at the NRC. It has a  
16 petition manager and a Petition Review Board  
17 coordinator. Other members of the Board are  
18 determined by the NRC staff based on the content of  
19 the information in the petition request. The members  
20 have already introduced themselves.

21 As described in our process the NRC staff  
22 may ask clarifying questions in order to better  
23 understand the Petitioner's presentation and to reach  
24 a reasoned decision whether to accept or reject the  
25 Petitioner's requests for review under the 2.206

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1 process.

2 Now I'd like to summarize the scope of the  
3 petition under consideration and the NRC activities to  
4 date.

5 On December 22nd, 2015, as supplemented by  
6 emails dated February 12th, 14th and 15th, 2016, you  
7 submitted to the NRC a petition under 2.206 regarding  
8 Seabrook in which you requested enforcement action.  
9 C-10 requests the NRC issue an order to NextEra  
10 requiring immediate implementation and enforcement of  
11 American Concrete Institute, ACI, 349.3R evaluation of  
12 existing nuclear safety-related concrete structures,  
13 and American Society for Testing and Materials, ASTM,  
14 C856-11, standard practice for petrographic  
15 examination of hardened concrete code standards  
16 requiring core sampling and petrographic testing for  
17 the mechanical properties of tensile strength,  
18 Poisson's ratio, modulus of elasticity and compressive  
19 strength, specifically for walls of the containment  
20 building and spent fuel pool at Seabrook.

21 As a basis for your request you state that  
22 C-10 has studied the alkali-silica reaction, ASR, and  
23 C-10 concludes that its presence at Seabrook is  
24 inimical to public health and safety.

25 Allow me to discuss the NRC activities to

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1 date. On January 8th the petition manager contacted  
2 you to discuss the 10 CFR 2.206 process and to offer  
3 you the opportunity to address the Petition Review  
4 Board.

5 On January 14th of 2016, you requested to  
6 address the Petition Review Board by phone prior to an  
7 internal meeting to make initial recommendations to  
8 accept or reject the petition for review.

9 On February 12th, 2016, David Lochbaum of  
10 Union of Concerned Scientists supplied written  
11 comments by email that will be treated as a supplement  
12 to the petition.

13 On February 14th, 2016, Paul Brown, also  
14 of Union of Concerned Scientists, supplied written  
15 comments by email that will be treated as a supplement  
16 to the petition.

17 On February 15th, 2016, C-10 supplied  
18 written comments by email that will be treated as a  
19 supplement to the petition.

20 As a reminder for the phone participants,  
21 please identify yourself if you make any remarks as  
22 this will help us in preparation of the meeting  
23 transcript that will be made available to the public.  
24 Thank you.

25 I'll turn it over now Debbie Grinnell of

1 C-10 to allow you the opportunity to provide any  
2 information you believe the Petition Review Board  
3 should consider as part of this petition. You have  
4 about 90 minutes for your presentation.

5 Debbie?

6 MS. GRINNELL: Thank you. We appreciate  
7 this opportunity to speak to the Board and we would  
8 like to begin with two experts that have created a  
9 comment for you today, and we'd like to begin with  
10 David Lochbaum.

11 MR. LOCHBAUM: This is David Lochbaum with  
12 the Union of Concerned Scientists. Thank you, Debbie,  
13 and thank you the NRC staff for this opportunity.

14 I didn't want to read the comments I  
15 submitted earlier. As it was stated, it's being added  
16 as a supplement to the petition. I just wanted to go  
17 over those and answer any clarifying questions the NRC  
18 staff may have about those comments.

19 In looking at whether the actions  
20 requested by C-10 were reasonable or not, I looked at  
21 what the NRC is applying to plants or applicants  
22 seeking license renewal of their plant. NUREG-1801,  
23 Revision 2, which is the GALL report issued in  
24 December of 2010, mentions ACI 349.3R in a number of  
25 places. I didn't list every time that document

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1 referred to this ACI standard, but I listed several of  
2 them on pages 1 and 2 of my comments.

3 I also understand that the NRC staff is  
4 currently reviewing its license renewal criterion  
5 standards. And to see whether those proposed changes  
6 might go away from ACI 349.3R, I looked at the draft  
7 NUREG-2191, Volume 2, which is currently the work in  
8 progress of any proposed changes to the GALL report.  
9 And as the information on pages 2 indicates, the NRC  
10 staff continues to rely on ACI 349.3R as a way to  
11 properly aging management risk or manage the risk of  
12 aging of concrete such as that at Seabrook. So  
13 basically by looking at this, it looked pretty clear  
14 to us that the NRC staff accepts and endorses ACI  
15 349.3R as the means of monitoring for concrete  
16 degradation.

17 Also went international to see how the  
18 international community is handling the similar issue  
19 of concrete degradation and found an IAEA report  
20 that's cited on page 3 of my comments where they  
21 looked at aging management of concrete structures in  
22 nuclear power plants. It came out just last month,  
23 January of 2016. Several places in that document the  
24 IAEA basically indicates that ACI 349.3R is being used  
25 in the United States to guard against undue

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1 degradation of concrete at U.S. nuclear power  
2 reactors, though it appears the international  
3 community thinks we're already at a point that C-10 is  
4 seeking, namely to have ACI 349.3R be a requirement,  
5 not just a standard on a shelf.

6 I then turned to looking at answering the  
7 question of, well, if that's what the NRC endorses, if  
8 that's the law of the land, if that's the proper  
9 standard to control concrete degradation, why isn't it  
10 already applied? And the best answer, or the only  
11 answer I found was in NUREG/CR 7153, Volume 4, issued  
12 by the NRC in October of 2014, as cited on page 3 of  
13 my comments.

14 I extracted a large paragraph from that  
15 document, the last sentence of which seems to be most  
16 important. It was underlined for emphasis by us.  
17 Basically it says that because all the construction  
18 permits have been issued except for one, by the time  
19 this standard came out it was too late in the game to  
20 be applied during the initial licensing phase. So  
21 therefore, it was a matter of time and not because  
22 it's an inappropriate standard or an unreasonable  
23 standard, that it's not already applicable at Seabrook  
24 and elsewhere.

25 So therefore, based on that it looked

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1 like, well, should the NRC grant the petition  
2 submitted by C-10 and require ACI 349.3R and the ASTM  
3 standard to Seabrook? And for that my answer to me is  
4 in 10 CFR, Section 50.100, Revocation, Suspension,  
5 Modification of Licenses, Permits and Approvals for  
6 Cause. And it's a lengthy text, but the portions that  
7 seemed most relevant to this decision was that  
8 basically any condition that's revealed after an  
9 original license is issued that would, had it been  
10 known at the time, warrant the Commission to refuse to  
11 grant a license, permit or approval is fair game for  
12 incorporating into the license or making a regulatory  
13 requirement.

14 In this case it's pretty clear that had  
15 ACI 349.3R been available before Seabrook was  
16 licensed, then it's almost certain that the NRC would  
17 have required this applicant or licensee to meet that  
18 standard. It doesn't. And therefore the action being  
19 sought by C-10 rectifies that defect and imposed an  
20 endorsed NRC standard to a standard condition that  
21 exists at Seabrook. Based on that it seems like the  
22 proper thing for the NRC to do would be to grant C-  
23 10's petition and require these two standards,  
24 industry-accepted, NRC-endorsed standards to apply to  
25 the concrete at Seabrook.

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1 I think the other things that's -- I don't  
2 -- it's not in my comments, but it's -- NRC staff is  
3 already aware of is that imposing those standards on  
4 NextEra at Seabrook would not mean that they'd have to  
5 follow every verse and chapter of those two standards.  
6 The applicants, the licensees always have the option  
7 of informing the NRC staff of deviations or different  
8 ways of achieving the same outcome, and they would  
9 have that option. Should the NRC grant the petition  
10 and issue the order, the licensee would have the  
11 chance of saying we'll do that same thing by a  
12 different way. But we think it's proper for the NRC  
13 staff to issue an order require that requirement and  
14 provide NextEra the option of applying it as is or  
15 justifying a suitable alternative.

16 With that I have no other comments or  
17 observations. I'd be glad to answer any clarifying  
18 questions that the NRC staff may have.

19 MEMBER KING: No questions on this end.

20 Anybody on the phone?

21 MS. GRINNELL: Yes, we're waiting for Paul  
22 Brown to enter to make his comments, but I do want to  
23 say on behalf of C-10 that our request has largely  
24 been the understanding that we have -- that both the  
25 industry and the NRC have had to find a way to find

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1 the technical and regulatory basis to deal with the  
2 discovery. And ASR is a discovery. And we've spent  
3 the last seven years looking very closely at NRC  
4 documentation and we found from your department,  
5 especially in research, that -- we found that there  
6 were many things that we have requested that a lot of  
7 NRC staff in different directions have recommended at  
8 these be done.

9 Our concern has been that there's been an  
10 enormous amount of energy and time and expertise that  
11 the NRC has spent in the extension of NRC's license,  
12 but our concern, as we live here, concerns their  
13 current license. And they've been in violation of  
14 their license for seven years.

15 So we have used the information that we  
16 were able to find from experts, from the Union of  
17 Concerned Scientists, from experts and many of the NRC  
18 staff, and we think that -- we believe that since  
19 containment has not been properly studied that this  
20 needs to be done and as soon as possible.

21 I am hoping that Paul will be on in a  
22 moment, but if he's not, I would like to allow NRC  
23 staff to add our comments to this discussion. I think  
24 we could start with Pat.

25 MS. SKIBBEE: This is Pat Skibbee, C-10

1 Board. I think one important consideration here is  
2 according to our research there are many, many times  
3 that NRC information has been cited and confirmed  
4 saying that the only way to really ascertain the  
5 degree and existence of ASR at the Seabrook Nuclear  
6 Power Plant is through core sampling and using the  
7 ASTM and ACR standards. So I think we feel that  
8 that's a really important thing to do and it's the  
9 only way to really ascertain what is going on at the  
10 plant.

11 I want to add here that the current  
12 situation where NextEra is using not samples from the  
13 plant, but using pieces of concrete at their Ferguson,  
14 Texas study facility, we do feel is at all  
15 appropriate, because I think the only way that you can  
16 actually ascertain what's going on at the Seabrook  
17 plant is to test core samples that actually come from  
18 the Seabrook plant.

19 And last, these standards are incorporated  
20 and made compulsory in NRC regulation. It would seem  
21 to me that this can't happen, that the licensees will  
22 always have -- not only NextEra, but others; and of  
23 course our concern is Seabrook, will always have this  
24 option of using what we would consider completely  
25 inappropriate testing. It does not really confirm

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1 what's actually going on at the specific plants.

2 This information comes from NRC staff,  
3 also from Union of Concerned Scientists, from our own  
4 research that without actual petrographic testing of  
5 the actual cores from the containment and other  
6 vessels at the Seabrook plants, we cannot know what is  
7 really going on there. And apparently the only what  
8 that can be enforced is for NRC to grant C-10's  
9 petition and make these standards compulsory. And  
10 that concludes my comments at this time.

11 MS. GRINNELL: Well, if we haven't heard  
12 from Paul at this moment, I would like to ask Chris if  
13 he would like to offer comments for C-10.

14 (Telephonic interference.)

15 COURT REPORTER: I'm sorry. This is the  
16 court reporter. Is Chris speaking? I can't hear him.

17 MS. GRINNELL: Yes. Yes, hold a second.  
18 He's just changing his location a little. He'll be  
19 back when -- I mean, he's right here. On the line in  
20 a sec.

21 MR. NORD: This is Chris Nord, board  
22 member for C-10. I just wanted to draw the attention  
23 of NRC to --

24 COURT REPORTER: Can you get closer to the  
25 phone?

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1 MS. GRINNELL: Chris, it's not working.

2 MR. NORD: Can you hear me now? Can  
3 anyone hear me now?

4 COURT REPORTER: Yes, now I can hear you.

5 MR. NORD: Okay. All right. This is  
6 Chris Nord, board member of C-10, and I would like to  
7 draw the NRC's attention right now to the notion that  
8 NextEra, their off-site research test program must  
9 represent -- I'm quoting -- the actual in situ  
10 conditions of Seabrook's primary containment. And to  
11 all of us at C-10 that have looked at this, this seems  
12 for all the world like a quick break (phonetic)  
13 because it isn't possible to represent the in situ  
14 conditions at Seabrook through the use of data  
15 gathered from some very remote site. The conditions  
16 are much too particular and the ASR has grown over a  
17 period of many years where they're propagating ASR  
18 over very short periods of time at this remote site in  
19 Texas, and we believe that this really is unrealistic.

20 And from a scientific point of view that  
21 seems to be the case. In other words, I think that we  
22 will discover that experts like Dr. Brown basically  
23 agree with this point of view that it's fine to go  
24 ahead and do that kind of testing, but to say that  
25 that kind of testing may stand in the place of

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1 petrographic analysis in situ at the Seabrook plant is  
2 unworkable. We must have in situ testing. So that's  
3 one comment.

4           The other comment I want to make is that  
5 citizens within a 10-mile radius of Seabrook  
6 particularly call upon the Nuclear Regulatory  
7 Commission to actually regulate in this matter this  
8 issue of alkaline-silica reaction that has come up at  
9 Seabrook. It is unprecedented, as we all know, in the  
10 nuclear suite in the United States. And many citizens  
11 who C-10 represents see that for the Nuclear  
12 Regulatory Commission to passively wait for NextEra to  
13 conduct tests simply the way they want without  
14 imposing some kind of guidance according to some kind  
15 of code standards is impractical in many ways and may  
16 in fact be unethical when you take into account the  
17 NRC's mandate to protect public health and safety.

18           If what you really want to do is protect  
19 the general public from the potentials for severe  
20 accidents from a nuclear plant such as Seabrook; and  
21 in fact parenthetically I will say this could be  
22 happening at other plants around the country, and I  
23 believe we don't know whether that's true or not, then  
24 you must -- NRC must take a more active position in  
25 requiring the use of certain regulatory standards.

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1 And because this is a new issue for NRC, the  
2 regulatory standards that we are falling into, as Dave  
3 Lochbaum just pointed out, you're using already.

4 So it's a simple step. But involving that  
5 step then as the requirement that petrographic testing  
6 be done in in situ at the reactor at Seabrook. And  
7 for us those must include the petrographic testing and  
8 core sampling specifically for the containment  
9 structure and for the spent fuel pool. And I think  
10 the reasons why those are important must be obvious to  
11 everyone on this call. Those are my comments for the  
12 moment. Thank you.

13 MS. GRINNELL: Thank you, Chris.

14 I don't know if we've had -- Dave, if  
15 we've had Paul Brown enter our group. Do you know if  
16 he's entered?

17 MEMBER KING: Paul Brown, are you on the  
18 line?

19 DR. BROWN: Yes, I am.

20 MS. GRINNELL: Terrific. Paul, we would  
21 like you to add your comments to the NRC.

22 DR. BROWN: Beyond what I've written?

23 MS. GRINNELL: Yes.

24 DR. BROWN: Oh, okay. Well, primarily my  
25 comments relate to the fact that the utility seems to

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1 be reluctant to extract and examine cores in  
2 compression and tension. While it would have been  
3 really beneficial had they done that when the ASR was  
4 first discovered, it's still not too late. It would  
5 have provided a data point in time. And if they link  
6 that campaign with the testing of cores from areas  
7 where ASR has not been observed, then it provides a  
8 basis for understanding the extent to which the  
9 properties of the concrete shell have presently  
10 degraded.

11 And that's really the substance of my  
12 comments. And I'm happy to answer any questions  
13 related to that.

14 MEMBER KING: Debbie, are there any more  
15 presentations?

16 MS. GRINNELL: I think we have covered our  
17 comments. We have the benefit of having Dave Lochbaum  
18 and Paul Brown here. If there are any technical or  
19 specific questions that you might have on our  
20 petition, we would be so pleased to have you direct a  
21 question directly to our experts.

22 MEMBER KING: Great. Thank you. So at  
23 this time does the NRC staff here at headquarters have  
24 any questions for C-10, or any headquarters staff on  
25 the phone?

1 (No response.)

2 MEMBER KING: Hearing none, what about the  
3 region? Any staff in the region have any questions?

4 MR. COOK: No questions from Bill Cook.  
5 Thank you.

6 MEMBER KING: Okay. Hearing none, does  
7 the Licensee have any questions?

8 MR. HAMRICK: This is Steve Hamrick for  
9 NextEra. No, we don't have any questions right now.  
10 Thank you.

11 MEMBER KING: Okay. Well, Deborah  
12 Grinnell, thank you for taking the time to provide the  
13 NRC staff with clarifying information on the petition  
14 you submitted.

15 Before we close does the court reporter  
16 need any additional information for the teleconference  
17 transcript?

18 COURT REPORTER: Just questions I'll ask  
19 after we're off the record.

20 MEMBER KING: Okay. Great. With that,  
21 this meeting is concluded --

22 MR. GUNTER: Excuse me. This is Paul  
23 Gunter, Beyond Nuclear.

24 MEMBER KING: Okay.

25 MR. GUNTER: It's my understanding that

1 you do open an opportunity up for the public to ask  
2 questions about the process.

3 MEMBER KING: Yes, this is not a public  
4 meeting. They asked for a teleconference, but we are  
5 open to answering questions about the process. They  
6 requested not a public meeting. They requested a  
7 teleconference, which is --

8 MR. GUNTER: Okay. Well, that answers my  
9 question, because I was looking to see if you were --  
10 you know, the meeting was not publicly posted to  
11 the --

12 MEMBER KING: Yes, because typically in  
13 the Management Directive 8.11 the Petitioner is  
14 offered a teleconference or a meeting here. And as  
15 you know, Paul, typically you're nearby, so you come  
16 and you have a public meeting. I guess because the  
17 distance and travel-wise they elected to have a  
18 teleconference --

19 MR. GUNTER: Yes.

20 MEMBER KING: -- which is non-public.

21 MR. GUNTER: So this is their first --

22 MEMBER KING: Yes.

23 MR. GUNTER: This is a Petition Review  
24 Board meeting, their first Petition Review Board  
25 meeting?

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1 MEMBER KING: This is the request to  
2 supply supplemental information prior to the PRB  
3 meeting.

4 MR. GUNTER: And then they will get an  
5 additional opportunity to address --

6 MEMBER KING: Yes.

7 MR. GUNTER: -- the Petition Review  
8 Board --

9 MEMBER KING: That's correct.

10 MR. GUNTER: -- after you -- yes. And in  
11 fact they'll get two opportunities to address the  
12 Petition Review Board?

13 MEMBER KING: Well, this is the first. I  
14 think there's a second one after, but --

15 MR. GUNTER: Okay.

16 MEMBER KING: That's my understanding at  
17 this time.

18 MR. GUNTER: Yes, I'm sorry. I guess the  
19 concern here is that this is very likely -- it should  
20 be reviewed as a generic issue and an opportunity for  
21 public to be informed, just have some transparency as  
22 how this might impact other sites or open  
23 opportunities for other public interest experts to  
24 listen in. That's our concern. I apologize for being  
25 thick, but this does not represent their first

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1 Petition Review Board meeting open to public scrutiny  
2 and transparency.

3 MEMBER KING: Tanya, are you on the line?

4 MS. MENSAH: I am. This is Tanya Mensah.  
5 I'm the senior project manager, 2.206 coordinator. So  
6 the process they're following is outlined and  
7 described in the Management Directive 811. If you  
8 look in there, if the Petitioner requests a meeting  
9 with the public -- with the NRC, that is noticed as a  
10 public meeting, and that is typically held at NRC  
11 Headquarters where any stakeholders are invited to  
12 comment at the end of the meeting.

13 Now, the Petitioner --

14 MR. GUNTER: But let me just stop you  
15 right there. Those meetings that I participate in  
16 open a bridge line for broader public interest --

17 MS. MENSAH: So if the Petitioner --

18 (Simultaneous speaking)

19 MR. GUNTER: -- the Petitioners.

20 MS. MENSAH: If you're interested in  
21 joining as a co-petitioner, you would coordinate that  
22 through the Petitioner. I don't know if that's been  
23 done, if you've expressed that before this call.  
24 Because they could have included you on the discussion  
25 so that you could also have submitted comments. The

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1 transcript -- the way that this is made transparent is  
2 that following the meeting the transcript will be made  
3 public in ADAMS and then the Petitioner will be  
4 informed of the initial recommendation, they'll have  
5 a second opportunity, as you commented, in accordance  
6 with the management directive to make a second  
7 presentation if they want to add additional facts.

8 MR. GUNTER: Have they been provided  
9 that --

10 MS. MENSAH: Is that clear or do I need to  
11 go back through the process?

12 MR. GUNTER: Well, first of all, if you  
13 would, could you make it clear that you are offering  
14 them a second opportunity?

15 MS. MENSAH: That's in accordance with the  
16 management directive and it's offered for every  
17 petitioner. It's not just for this petition. It's  
18 spelled out that a second opportunity is in the  
19 management directive. Every petitioner receives two  
20 opportunities. The first is before the Board meets to  
21 make their initial recommendation. And then once  
22 they're informed, they receive a second opportunity.  
23 And that's the system for all petitions.

24 MR. GUNTER: Okay. Thank you. I  
25 apologize for missing the opening here. Did you offer

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1 the Petitioner an opportunity for a second -- to make  
2 them aware that they have an opportunity for a second  
3 meeting?

4 MS. MENSAH: I believe that the PRB Chair  
5 expressed in his opening remarks that following  
6 today's discussion that the PRB will be deliberating  
7 internally and that following that they will be  
8 informed of the initial recommendation and have  
9 another opportunity. And I believe also that in  
10 accordance with the process that John Lamb would have  
11 provided the Petitioners with a copy of the management  
12 directive so that they have the process and they know  
13 what we're following.

14 MR. GUNTER: So this phone call is  
15 satisfying that initial meeting with the PRB that  
16 we're familiar with.

17 MS. MENSAH: That's correct. And that is  
18 their choice. They were offered either a meeting  
19 where they could have requested to meet face to face,  
20 and that would have been a public meeting, or they are  
21 offered a teleconference, which at that point they can  
22 also, as they've done, invite other experts out to  
23 speak on their behalf for their petition. And that's  
24 what has occurred today.

25 MR. GUNTER: Can I indulge you just one --

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1 just for clarification? You do not publicize PRB  
2 meetings with petitioners on your web-based schedule,  
3 calendar --

4 MS. MENSAH: Only public meetings.

5 MR. GUNTER: With petitioners for the PRB  
6 do you have -- have you published meeting dates on  
7 these PRB meetings on your regular calendar? I mean  
8 --

9 MS. MENSAH: Are you referring to on the  
10 public web site where they have the list of public  
11 meetings?

12 MR. GUNTER: Yes, ma'am.

13 MS. MENSAH: So that would be for if there  
14 were a public 2.206 meeting. There would be a meeting  
15 notice, and those are on there.

16 MR. GUNTER: Right.

17 MS. MENSAH: This is a teleconference, so  
18 they're not public meetings.

19 MR. GUNTER: I see.

20 MS. MENSAH: They are calls between the  
21 petitioner --

22 MR. GUNTER: I see.

23 MS. MENSAH: -- so that the petitioner can  
24 provide additional information on behalf of their  
25 2.206 --

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1 MR. GUNTER: I see.

2 MS. MENSAH: -- to the Board. So those  
3 are not on the public web site.

4 MR. GUNTER: Thank you. So if they  
5 request this second meeting as a public meeting at  
6 which they attend in the Commission hearing room, that  
7 meeting will be timely posted in advance of the  
8 meeting to the public?

9 MS. MENSAH: That's correct.

10 MR. GUNTER: If they receive a bridge line  
11 from the NRC, those are typically not posted for  
12 public to listen in on?

13 MS. MENSAH: Unless the petitioner invites  
14 other stakeholders that are familiar with the topic on  
15 their behalf to say we want to have other experts or  
16 other members of the public speak during our  
17 teleconference. And they provide the number to  
18 whoever they want.

19 MR. GUNTER: Okay. Well, thank you for  
20 that clarification, because --

21 MS. MENSAH: Okay.

22 MR. GUNTER: -- it's one of these fine  
23 lines where again we view this as potentially generic  
24 issue that has much broader interest than the Seabrook  
25 Petitioners and their experts, and we would like to

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1 recommend that these kinds of meetings -- you know,  
2 it's not that difficult to post a telephone conference  
3 line. I mean, I don't think that it was C-10's  
4 intention to request that this meeting be exclusive or  
5 private, but again, we feel that there's a broader  
6 concern here. And just for a matter for the record,  
7 the process should be inclusive in terms of  
8 transparency that these meetings are happening and  
9 that the NRC timely posts them as opportunities for  
10 broader public interest and in the sake of  
11 transparency. That concludes my comment.

12 MS. MENSAH: Okay. Thank you. And this  
13 is Tanya Mensah again. So do you have a comment that  
14 you need to coordinate through the Petitioner, or have  
15 you already informed them that you have comments?

16 MR. GUNTER: My comment is again on the  
17 2.206 process with regard --

18 MS. MENSAH: Okay.

19 MR. GUNTER: -- to providing public  
20 transparency to potentially generic issues of public  
21 health and safety, and that I think it's something of  
22 a shortcoming to bias the public notification process  
23 to those of us who can by convenience attend these  
24 meetings in person and get that public notification  
25 and transparency out there. But in the same sense to

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1 not -- just because you can't participate in person  
2 doesn't mean that you exclude broader public interest  
3 by participation in these telephone conference calls  
4 on a public Petition Review Board meeting. That's my  
5 point. So my comment again is process, and it's  
6 directed to the U.S. Nuclear Regulatory Commission.

7 MS. MENSAH: Thank you.

8 MR. NORD: This is Chris Nord. I'd like  
9 to just follow up very quickly on something Paul just  
10 said, and that is to point out that a way that we at  
11 C-10 believe that this does touch on a generic issue  
12 is that as long as the heretofore relied on method of  
13 visual inspection is continued and used by U.S. NRC as  
14 an initial look at the possibility of ASR, whether ASR  
15 exists or doesn't exist at other nuclear plants, you  
16 will not know whether in fact there is ASR at other  
17 plants. So we need to move to petrographic analysis  
18 in order to know for sure whether you have ASR at  
19 other plants. That's my comment. Thank you.

20 MR. GUNTER: Let me just -- this is Paul  
21 Gunter again. One point again on the transparency for  
22 this particular meeting. I was trying to find out the  
23 exact time of the call. And since this meeting was  
24 not posted on the NRC schedule as a calendar event, I  
25 called the switchboard. And when I spoke with your

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1 switchboard operator and requested the time for this  
2 particular meeting, the -- and I at that point  
3 provided the operator with the petition manager's  
4 name, and the switchboard operator informed me that  
5 the PRB meeting with John Lamb is tomorrow at 2:00  
6 p.m.

7 So that -- again, I'm just telling you --  
8 this is feedback on where public interest is -- could  
9 use a little work in terms of providing -- the Agency  
10 providing transparency to its processes, particularly  
11 these emergency enforcement petitions. And apparently  
12 the switchboard has got the wrong date.

13 MEMBER KING: Okay. Any other questions  
14 from any phone participants.

15 MS. GRINNELL: Yes, I would like to make  
16 a contribution to this meeting today. We wrote a  
17 petition for rulemaking --

18 COURT REPORTER: Excuse me. Can you  
19 identify yourself?

20 (Simultaneous speaking)

21 MS. GRINNELL: -- 2.206. Can you hear me?

22 COURT REPORTER: I'm asking if you can  
23 identify yourself.

24 MS. GRINNELL: Yes, it's Debbie Grinnell,  
25 C-10 Foundation. We sent the petition because we know

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1 that the NRC is sending in their final Safety  
2 Evaluation Report before the NRC and this study will  
3 be done. And we were very encouraged by the fact that  
4 the NRC had invested into a very important study.

5 In the meantime, NextEra has invested into  
6 a study, and certainly the results of those studies in  
7 terms of what can be learned, because all of us have  
8 needed to learn this as a new form of degradation. So  
9 this is all valuable.

10 But what's concerning to us is that the  
11 very basic interests of what is happening at Seabrook  
12 at the site is a deep concern to the public here  
13 because we do not know the extent or the rate of the  
14 containment building or the spent fuel pool. And this  
15 is seven years after this was discovered at Seabrook,  
16 and they are in violation of their license.

17 We cannot be making decisions on safety  
18 when we have no idea what the extent, rate or even if  
19 we've confirmed that ASR is occurring at containment  
20 or at the -- it's been too many years with no action  
21 from the NRC. And these are standard code testing  
22 that we've required that -- as Dave has spoken and  
23 also as Paul Brown has told us, that these are  
24 standards and the very best that we have. And I think  
25 given the fact that the studies have been done, you

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1 have an obligation to utilize the most important and  
2 existing certified testing that's possible and use  
3 that to know at least the degree of ASR and the most  
4 important and most critical structures at Seabrook.

5           There has been growing Seabrook concern  
6 because they are very aware, we are all very aware  
7 that NextEra continues to operate in something that is  
8 active and progressive and there is no way to repair  
9 these structures and we can't predict on how they are  
10 going to respond. And there's a great deal of  
11 anxiety. And I think that the NRC is obligated as  
12 they are on their current license to at least test  
13 with the most sophisticated ability that you have and  
14 wait for the studies. And I would think that the NIST  
15 and NRC study will give you the guidance that you  
16 need. But in the meantime, we have a plant and we  
17 have no idea the condition of the plant.

18           I appreciate the time you have given me.  
19 I don't know if anyone else would like to speak, but  
20 I'd like to open this up to C-10.

21           MS. SKIBBEE: I'd like to follow up  
22 Debbie's extremely cogent comments with a comment  
23 also. This is Pat Skibbee, C-10 Board. And I'm  
24 thinking that if the petrographic analyses from ACI  
25 and ASTM standards had been adopted by the NRC years

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1 ago, we would not be in this quandary because the core  
2 sampling would have been done, the testing would have  
3 been done. It would be possible therefore by  
4 comparing testing from some years ago and currently to  
5 see what the progress, if any, of the ASR is, what the  
6 extent is, but because it wasn't done we are, as  
7 Debbie Grinnell said, in the situation of ignorance on  
8 this.

9 Also, I'm going to point out that  
10 according to our materials that we submitted to you  
11 yesterday, in 2010 comments by the NRC staff said  
12 NextEra said that they would be conducting core  
13 petrographic examinations and that, quote, "No  
14 structure will be precluded from continued monitoring  
15 for the effects of ASR concrete degradation until: (1)  
16 core bore petrographic examination has been completed  
17 on the Seabrook structure to confirm the absence of  
18 ASR; and (2) that ASR is no longer active. These  
19 things have not been done. And we're talking about  
20 something that happened three-and-a-half years ago,  
21 statements that were made three-and-a-half years ago.

22 Then apparently later in the same year,  
23 2012, NextEra's position changed and instead of doing  
24 core sampling according to ACI and ASTM accepted  
25 standards, they switched their strategy to again,

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1 supposedly similar, but of course not really similar,  
2 cores, pull cores at the Ferguson, Texas site. And  
3 clearly this is not adequate. I mean, one might  
4 wonder why NextEra's position changed. If these  
5 standards were mandatory, as C-10's petition is  
6 asking, they couldn't have done that. The licensee  
7 would have had to take the responsible route by using  
8 actual core samples from the actual nuclear power  
9 plant, which is what should be happening and which I  
10 hope and trust that the NRC will understand and  
11 therefore approve our petition. Thank you.

12 MEMBER KING: Okay. NRC has no further  
13 questions. So with that, this meeting is concluded  
14 and we'll be terminating the phone connection.

15 MS. SKIBBEE: All right. Thank you for  
16 listening.

17 (Whereupon, the above-entitled matter went  
18 off the record at 2:54 p.m.)  
19  
20  
21  
22  
23  
24  
25