UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

SEABROOK STATION

TUESDAY
FEBRUARY 16, 2016

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
PETITION REVIEW BOARD MEMBERS

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

LORRAINE BAER, Office of the General Counsel

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

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

NRC HEADQUARTERS STAFF

RUSSELL ARRIGHI, Senior Enforcement Specialist, Office of Enforcement

DOUG BROADDUS, Office of Nuclear Reactor Regulation, Division of Operating Reactor Licensing

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

BRYCE LEHMAN, Technical Reviewer, Office of Nuclear Reactor Regulation, Division of Engineering
TANYA MENSAH, Agency 2.206 Coordinator, Office of Nuclear Reactor Regulation, Division of Policy and Rulemaking

NRC REGION I STAFF

FRED BOWER, Region I
PAUL CATALDO, Region I
CHRIS NEWPORT, Region I
BILL COOK, Region I

ALSO PRESENT

STEVE HAMRICK, Counsel, NextEra Energy
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
of this petition C-10 has requested this opportunity
to address the PRB.

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

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

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

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

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

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

CHAIRMAN TAYLOR: Rob Taylor, Deputy
Director, Division of Safety Systems, Office of
Nuclear Reactor Regulation.

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

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

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

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

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

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

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

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

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

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

MS. GAVUTIS: Sandra Gavutis, Executive Director, C-10 Foundation.
MR. LOCHBAUM: Dave Lochbaum, Union of Concerned Scientists, Director of Nuclear Safety Project.

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

MR. NORD: Chris Nord, C-10 Foundation.

I identified myself before.

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

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

MS. GRINNELL: Trying something else. Hello?

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

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

MEMBER LAMB: You got Debbie Grinnell?

COURT REPORTER: Yes. Yes.

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

COURT REPORTER: Here's the thing, I was
able to hear their introductions, but when they give a presentation, if they sound like that, I'll probably miss a good amount of it.

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

MS. SKIBBEE: Yes, I'm here.

MEMBER LAMB: Okay. And a Sandra Gavutis?

MS. GRINNELL: Yes, she is here.

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

Is there anyone else from the Petitioners?

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

MEMBER LAMB: Okay. Thank you.

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

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

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

MR. BOWER: And Fred Bower from Region I.

MEMBER LAMB: Anyone else from Region I on the phone?
MR. CATALDO: Paul Cataldo, Region I.

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

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

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

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

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

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

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

MEMBER LAMB: Yes.
MEMBER KING: I just want to make sure people know that.

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

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

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

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

The purpose of today’s meeting is to give the Petitioner, C-10, an opportunity to provide any additional explanation or support for the petition.
before the Petition Review Board's initial consideration and recommendation.

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

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

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

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

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

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

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

Allow me to discuss the NRC activities to
date. On January 8th the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you the opportunity to address the Petition Review Board.

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

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

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

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

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

Thank you.

I'll turn it over now Debbie Grinnell of
C-10 to allow you the opportunity to provide any information you believe the Petition Review Board should consider as part of this petition. You have about 90 minutes for your presentation.

Debbie?

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

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

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

In looking at whether the actions requested by C-10 were reasonable or not, I looked at what the NRC is applying to plants or applicants seeking license renewal of their plant. NUREG-1801, Revision 2, which is the GALL report issued in December of 2010, mentions ACI 349.3R in a number of places. I didn't list every time that document
referred to this ACI standard, but I listed several of
them on pages 1 and 2 of my comments.

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

Also went international to see how the
international community is handling the similar issue
of concrete degradation and found an IAEA report
that's cited on page 3 of my comments where they
looked at aging management of concrete structures in
nuclear power plants. It came out just last month,
January of 2016. Several places in that document the
IAEA basically indicates that ACI 349.3R is being used
in the United States to guard against undue
degradation of concrete at U.S. nuclear power reactors, though it appears the international community thinks we're already at a point that C-10 is seeking, namely to have ACI 349.3R be a requirement, not just a standard on a shelf.

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

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

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

In this case it's pretty clear that had ACI 349.3R been available before Seabrook was licensed, then it's almost certain that the NRC would have required this applicant or licensee to meet that standard. It doesn't. And therefore the action being sought by C-10 rectifies that defect and imposed an endorsed NRC standard to a standard condition that exists at Seabrook. Based on that it seems like the proper thing for the NRC to do would be to grant C-10's petition and require these two standards, industry-accepted, NRC-endorsed standards to apply to the concrete at Seabrook.
I think the other things that's -- I don't -- it's not in my comments, but it's -- NRC staff is already aware of is that imposing those standards on NextEra at Seabrook would not mean that they'd have to follow every verse and chapter of those two standards. The applicants, the licensees always have the option of informing the NRC staff of deviations or different ways of achieving the same outcome, and they would have that option. Should the NRC grant the petition and issue the order, the licensee would have the chance of saying we'll do that same thing by a different way. But we think it's proper for the NRC staff to issue an order require that requirement and provide NextEra the option of applying it as is or justifying a suitable alternative.

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

MEMBER KING: No questions on this end.

Anybody on the phone?

MS. GRINNELL: Yes, we're waiting for Paul Brown to enter to make his comments, but I do want to say on behalf of C-10 that our request has largely been the understanding that we have -- that both the industry and the NRC have had to find a way to find
the technical and regulatory basis to deal with the
discovery. And ASR is a discovery. And we've spent
the last seven years looking very closely at NRC
documentation and we found from your department,
especially in research, that -- we found that there
were many things that we have requested that a lot of
NRC staff in different directions have recommended at
these be done.

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

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

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

MS. SKIBBEE: This is Pat Skibbee, C-10
Board. I think one important consideration here is according to our research there are many, many times that NRC information has been cited and confirmed saying that the only way to really ascertain the degree and existence of ASR at the Seabrook Nuclear Power Plant is through core sampling and using the ASTM and ACR standards. So I think we feel that that's a really important thing to do and it's the only way to really ascertain what is going on at the plant.

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

And last, these standards are incorporated and made compulsory in NRC regulation. It would seem to me that this can't happen, that the licensees will always have -- not only NextEra, but others; and of course our concern is Seabrook, will always have this option of using what we would consider completely inappropriate testing. It does not really confirm
what's actually going on at the specific plants.

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

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

(Telephonic interference.)

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

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

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

COURT REPORTER: Can you get closer to the phone?
MS. GRINNELL: Chris, it's not working.

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

COURT REPORTER: Yes, now I can hear you.

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

And from a scientific point of view that seems to be the case. In other words, I think that we will discover that experts like Dr. Brown basically agree with this point of view that it's fine to go ahead and do that kind of testing, but to say that that kind of testing may stand in the place of
petrographic analysis in situ at the Seabrook plant is unworkable. We must have in situ testing. So that's one comment.

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

If what you really want to do is protect the general public from the potentials for severe accidents from a nuclear plant such as Seabrook; and in fact parenthetically I will say this could be happening at other plants around the country, and I believe we don't know whether that's true or not, then you must -- NRC must take a more active position in requiring the use of certain regulatory standards.
And because this is a new issue for NRC, the regulatory standards that we are falling into, as Dave Lochbaum just pointed out, you're using already.

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

MS. GRINNELL: Thank you, Chris.

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

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

DR. BROWN: Yes, I am.

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

DR. BROWN: Beyond what I've written?

MS. GRINNELL: Yes.

DR. BROWN: Oh, okay. Well, primarily my comments relate to the fact that the utility seems to
be reluctant to extract and examine cores in compression and tension. While it would have been really beneficial had they done that when the ASR was first discovered, it's still not too late. It would have provided a data point in time. And if they link that campaign with the testing of cores from areas where ASR has not been observed, then it provides a basis for understanding the extent to which the properties of the concrete shell have presently degraded.

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

MEMBER KING: Debbie, are there any more presentations?

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

MEMBER KING: Great. Thank you. So at this time does the NRC staff here at headquarters have any questions for C-10, or any headquarters staff on the phone?
MEMBER KING: Hearing none, what about the region? Any staff in the region have any questions?

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

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

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

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

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

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

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

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

MEMBER KING: Okay.

MR. GUNTER: It's my understanding that
you do open an opportunity up for the public to ask
questions about the process.

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

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

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

MR. GUNTER: Yes.

MEMBER KING: -- which is non-public.

MR. GUNTER: So this is their first --

MEMBER KING: Yes.

MR. GUNTER: This is a Petition Review
Board meeting, their first Petition Review Board
meeting?
MEMBER KING: This is the request to supply supplemental information prior to the PRB meeting.

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

MEMBER KING: Yes.

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

MEMBER KING: That's correct.

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

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

MR. GUNTER: Okay.

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

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

MEMBER KING: Tanya, are you on the line?

MS. MENSAH: I am. This is Tanya Mensah.

I'm the senior project manager, 2.206 coordinator. So the process they're following is outlined and described in the Management Directive 811. If you look in there, if the Petitioner requests a meeting with the public -- with the NRC, that is noticed as a public meeting, and that is typically held at NRC Headquarters where any stakeholders are invited to comment at the end of the meeting.

Now, the Petitioner --

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

MS. MENSAH: So if the Petitioner --

(Simultaneous speaking)

MR. GUNTER: -- the Petitioners.

MS. MENSAH: If you're interested in joining as a co-petitioner, you would coordinate that through the Petitioner. I don't know if that's been done, if you've expressed that before this call. Because they could have included you on the discussion so that you could also have submitted comments. The
transcript -- the way that this is made transparent is
that following the meeting the transcript will be made
public in ADAMS and then the Petitioner will be
informed of the initial recommendation, they'll have
a second opportunity, as you commented, in accordance
with the management directive to make a second
presentation if they want to add additional facts.

MR. GUNTER: Have they been provided
that --

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

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

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

MR. GUNTER: Okay. Thank you. I
apologize for missing the opening here. Did you offer
the Petitioner an opportunity for a second -- to make
them aware that they have an opportunity for a second
meeting?

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

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

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

MR. GUNTER: Can I indulge you just one --
just for clarification? You do not publicize PRB meetings with petitioners on your web-based schedule, calendar --

MS. MENSAH: Only public meetings.

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

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

MR. GUNTER: Yes, ma'am.

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

MR. GUNTER: Right.

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

MR. GUNTER: I see.

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

MR. GUNTER: I see.

MS. MENSAH: -- so that the petitioner can provide additional information on behalf of their 2.206 --
MR. GUNTER: I see.

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

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

MS. MENSAH: That's correct.

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

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

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

MS. MENSAH: Okay.

MR. GUNTER: -- it's one of these fine lines where again we view this as potentially generic issue that has much broader interest than the Seabrook Petitioners and their experts, and we would like to
recommend that these kinds of meetings -- you know, it's not that difficult to post a telephone conference line. I mean, I don't think that it was C-10's intention to request that this meeting be exclusive or private, but again, we feel that there's a broader concern here. And just for a matter for the record, the process should be inclusive in terms of transparency that these meetings are happening and that the NRC timely posts them as opportunities for broader public interest and in the sake of transparency. That concludes my comment.

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

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

MS. MENSAH: Okay.

MR. GUNTER: -- to providing public transparency to potentially generic issues of public health and safety, and that I think it's something of a shortcoming to bias the public notification process to those of us who can by convenience attend these meetings in person and get that public notification and transparency out there. But in the same sense to
not -- just because you can't participate in person
doesn't mean that you exclude broader public interest
by participation in these telephone conference calls
on a public Petition Review Board meeting. That's my
point. So my comment again is process, and it's
directed to the U.S. Nuclear Regulatory Commission.

MS. MENSAH: Thank you.

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

MR. GUNTER: Let me just -- this is Paul
Gunter again. One point again on the transparency for
this particular meeting. I was trying to find out the
exact time of the call. And since this meeting was
not posted on the NRC schedule as a calendar event, I
called the switchboard. And when I spoke with your
switchboard operator and requested the time for this particular meeting, the -- and I at that point provided the operator with the petition manager's name, and the switchboard operator informed me that the PRB meeting with John Lamb is tomorrow at 2:00 p.m.

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

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

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

COURT REPORTER: Excuse me. Can you identify yourself?

(Simultaneous speaking)

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

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

MS. GRINNELL: Yes, it's Debbie Grinnell, C-10 Foundation. We sent the petition because we know
that the NRC is sending in their final Safety Evaluation Report before the NRC and this study will be done. And we were very encouraged by the fact that the NRC had invested into a very important study.

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

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

We cannot be making decisions on safety when we have no idea what the extent, rate or even if we've confirmed that ASR is occurring at containment or at the -- it's been too many years with no action from the NRC. And these are standard code testing that we've required that -- as Dave has spoken and also as Paul Brown has told us, that these are standards and the very best that we have. And I think given the fact that the studies have been done, you
have an obligation to utilize the most important and
existing certified testing that's possible and use
that to know at least the degree of ASR and the most
important and most critical structures at Seabrook.

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

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

MS. SKIBBEE: I'd like to follow up
Debbie's extremely cogent comments with a comment
also. This is Pat Skibbee, C-10 Board. And I'm
thinking that if the petrographic analyses from ACI
and ASTM standards had been adopted by the NRC years
ago, we would not be in this quandary because the core sampling would have been done, the testing would have been done. It would be possible therefore by comparing testing from some years ago and currently to see what the progress, if any, of the ASR is, what the extent is, but because it wasn't done we are, as Debbie Grinnell said, in the situation of ignorance on this.

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

Then apparently later in the same year, 2012, NextEra's position changed and instead of doing core sampling according to ACI and ASTM accepted standards, they switched their strategy to again,
supposedly similar, but of course not really similar, cores, pull cores at the Ferguson, Texas site. And clearly this is not adequate. I mean, one might wonder why NextEra's position changed. If these standards were mandatory, as C-10's petition is asking, they couldn't have done that. The licensee would have had to take the responsible route by using actual core samples from the actual nuclear power plant, which is what should be happening and which I hope and trust that the NRC will understand and therefore approve our petition. Thank you.

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

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

(Whereupon, the above-entitled matter went off the record at 2:54 p.m.)