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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

+ + + + +

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
[Chemhydration, LLC]

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

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Deputy Director, Office of Nuclear
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petition, Office of Nuclear Reactor
Regulation, Division of Operating Reactor
Licensing

ROBERT TAYLOR, Deputy Director, Division of
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Reactor Regulation.

NRC HEADQUARTERS STAFF

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Office of Nuclear Reactor Regulation

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Engineering [PRB member]

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 [PRB member]

ALSO PRESENT

STEVE HAMRICK, Counsel, NextEra Energy

Paul Gunter, Beyond Nuclear

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

2 2:00 p.m.

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

7 We are here today to allow the
8 Petitioner, C-10 Research and Education Foundation,
9 referred to as C-10 from this point forward, to
10 address the Petition Review Board, PRB, regarding
11 the 2.206 Petition dated December 22nd, 2015,
12 Agency-wide Documents Access and Management System,
13 ADAMS, Accession No. ML16006A002, as supplemented by
14 email comments from David Lochbaum of the Union of
15 Concerned Scientists, UCS, dated February 12th,
16 2016, ADAMS Accession No. ML16043A486, and email
17 comments from Paul Brown dated February 14th, 2016,
18 ADAMS Accession No. ML16047A020, and email comments
19 by C-10 dated February 15th, 2016, ADAMS Accession
20 No. ML16047A021.

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

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1 As part of the --

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

4 MEMBER LAMB: As part of the PRB's
5 review of this petition C-10 has requested this
6 opportunity to address the PRB.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 MS. GAVUTIS: Sandra Gavutis, Executive
4 Director, C-10 Foundation.

5 MR. LOCHBAUM: Dave Lochbaum, Union of
6 Concerned Scientists, Director of Nuclear Safety
7 Project.

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

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

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

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

18 MS. GRINNELL: Trying something else.
19 Hello?

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

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

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1 MEMBER LAMB: You got Debbie Grinnell?

2 COURT REPORTER: Yes. Yes.

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

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

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

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

12 MEMBER LAMB: Okay. And a Sandra
13 Gavutis?

14 MS. GRINNELL: Yes, she is here.

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

17 Is there anyone else from the
18 Petitioners?

19 MS. GRINNELL: We have an expert, Paul
20 Brown, who will be calling in probably very close to
21 2:30.

22 MEMBER LAMB: Okay. Thank you.

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

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

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

5 MR. BOWER: And Fred Bower from Region
6 I.

7 MEMBER LAMB: Anyone else from Region I
8 on the phone?

9 MR. CATALDO: Paul Cataldo, Region I.

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

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

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

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

23 For those dialing into the meeting,
24 please remember to mute your phones to minimize any
25 background noise or distractions. If you do not

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1 have a mute button, this can be done by pressing the
2 keys star, six. To un-mute, press the star key
3 again. Thank you.

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

7 MEMBER KING [Daniel Doyle]: Excuse me.
8 To un-mute, you have to press star, six again.

9 MEMBER LAMB: Yes.

10 MEMBER KING [Daniel Doyle]: I just want
11 to make sure people know that.

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

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

18 Section 2.206 of Title 10 of the Code of
19 Federal Regulations, 10 CFR, describes the petition
20 process, the primary mechanism for public to request
21 enforcement action by NRC in a public process. This
22 process permits anyone to petition the NRC to take
23 enforcement-type action related to NRC licensees or
24 license activities. Depending on the results of its
25 evaluation, NRC could modify, suspend or revoke an

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1 NRC-issued license, or take any other appropriate
2 enforcement action to resolve a problem.

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

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

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

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

23 The Petition Review Board typically
24 consists of a chairman, usually a manager at the
25 senior executive service level at the NRC. It has a

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1 petition manager and a Petition Review Board
2 coordinator. Other members of the Board are
3 determined by the NRC staff based on the content of
4 the information in the petition request. The
5 members have already introduced themselves.

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

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

15 On December 22nd, 2015, as supplemented
16 by emails dated February 12th, 14th and 15th, 2016,
17 you submitted to the NRC a petition under 2.206
18 regarding Seabrook in which you requested
19 enforcement action. C-10 requests the NRC issue an
20 order to NextEra requiring immediate implementation
21 and enforcement of American Concrete Institute, ACI,
22 349.3R evaluation of existing nuclear safety-related
23 concrete structures, and American Society for
24 Testing and Materials, ASTM, C856-11, standard
25 practice for petrographic examination of hardened

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1 concrete code standards requiring core sampling and
2 petrographic testing for the mechanical properties
3 of tensile strength, Poisson=s ratio, modulus of
4 elasticity and compressive strength, specifically
5 for walls of the containment building and spent fuel
6 pool at Seabrook.

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

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

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

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

25 On February 14th, 2016, Paul Brown, also

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1 of Union of Concerned Scientists, supplied written
2 comments by email that will be treated as a
3 supplement to the petition.

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

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

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

17 Debbie?

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

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

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1 opportunity.

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

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

17 I also understand that the NRC staff is
18 currently reviewing its license renewal criterion
19 standards. And to see whether those proposed
20 changes might go away from ACI 349.3R, I looked at
21 the draft NUREG-2191, Volume 2, which is currently
22 the work in progress of any proposed changes to the
23 [Generic Aging Lessons Learned] GALL report. And as
24 the information on pages 2 indicates, the NRC staff
25 continues to rely on ACI 349.3R as a way to properly

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1 aging management risk or manage the risk of aging of
2 concrete such as that at Seabrook. So basically by
3 looking at this, it looked pretty clear to us that
4 the NRC staff accepts and endorses ACI 349.3R as the
5 means of monitoring for concrete degradation.

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

21 I then turned to looking at answering
22 the question of, well, if that's what the NRC
23 endorses, if that's the law of the land, if that's
24 the proper standard to control concrete degradation,
25 why isn't it already applied? And the best answer,

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1 or the only answer I found was in NUREG/CR 7153,
2 Volume 4, issued by the NRC in October of 2014, as
3 cited on page 3 of my comments.

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

15 So therefore, based on that it looked
16 like, well, should the NRC grant the petition
17 submitted by C-10 and require ACI 349.3R and the
18 ASTM standard to Seabrook? And for that my answer
19 to me is in 10 CFR, Section 50.100, Revocation,
20 Suspension, Modification of Licenses, Permits and
21 Approvals for Cause. And it's a lengthy text, but
22 the portions that seemed most relevant to this
23 decision was that basically any condition that's
24 revealed after an original license is issued that
25 would, had it been known at the time, warrant the

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1 Commission to refuse to grant a license, permit or
2 approval is fair game for incorporating into the
3 license or making a regulatory requirement.

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

16 I think the other things that's -- I
17 don't -- it's not in my comments, but it's -- NRC
18 staff is already aware of is that imposing those
19 standards on NextEra at Seabrook would not mean that
20 they'd have to follow every verse and chapter of
21 those two standards. The applicants, the licensees
22 always have the option of informing the NRC staff of
23 deviations or different ways of achieving the same
24 outcome, and they would have that option. Should
25 the NRC grant the petition and issue the order, the

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1 licensee would have the chance of saying we'll do
2 that same thing by a different way. But we think
3 it's proper for the NRC staff to issue an order
4 require that requirement and provide NextEra the
5 option of applying it as is or justifying a suitable
6 alternative.

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

10 MEMBER KING: No questions on this end.

11 Anybody on the phone?

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

25 Our concern has been that there's been

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1 an enormous amount of energy and time and expertise
2 that the NRC has spent in the extension of NRC's
3 license, but our concern, as we live here, concerns
4 their current license. And they've been in
5 violation of their license for seven years. [The
6 structures identified to be affected by ASR are
7 considered "operable but degraded," meaning that
8 NextEra and the NRC have determined the structures
9 can continue to safely perform their function at
10 Seabrook.]

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

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

21 MS. SKIBBEE: This is Pat Skibbee, C-10
22 Board. I think one important consideration here is
23 according to our research there are many, many times
24 that NRC information has been cited and confirmed
25 saying that the only way to really ascertain the

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1 degree and existence of ASR at the Seabrook Nuclear
2 Power Plant is through core sampling and using the
3 ASTM and ACR standards. So I think we feel that
4 that's a really important thing to do and it's the
5 only way to really ascertain what is going on at the
6 plant.

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

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

24 This information comes from NRC staff,
25 also from Union of Concerned Scientists, from our

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

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

11 (Telephonic interference.)

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

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

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

22 COURT REPORTER: Can you get closer to
23 the phone?

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

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

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1 anyone hear me now?

2 COURT REPORTER: Yes, now I can hear
3 you.

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

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

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

10 [The NRC staff has performed a great
11 deal of inspection regarding ASR and it can be found
12 on the NRC public webpage
13 [http://www.nrc.gov/reactors/operating/ops-
15 experience/concrete-degradation.html](http://www.nrc.gov/reactors/operating/ops-
14 experience/concrete-degradation.html) and
16 [http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/SEAB1/seab1_
chart.html](http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/SEAB1/seab1_
chart.html).]

17 It is unprecedented, as we all know, in
18 the nuclear suite in the United States. And many
19 citizens who C-10 represents see that for the
20 Nuclear Regulatory Commission to passively wait for
21 NextEra to conduct tests simply the way they want
22 without imposing some kind of guidance according to
23 some kind of code standards is impractical in many
24 ways and may in fact be unethical when you take into
25 account the NRC's mandate to protect public health

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

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

22 MS. GRINNELL: Thank you, Chris.

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

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

3 DR. BROWN: Yes, I am.

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

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

7 MS. GRINNELL: Yes.

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

20 [By letter dated January 19, 2016 (ADAMS
21 Accession No. ML16019A081), the NRC staff provided a
22 response to Debbie Grinnell of C-10 regarding the
23 core samples that NextEra took at Seabrook.]

24

25 And that's really the substance of my

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1 comments. And I'm happy to answer any questions
2 related to that.

3 MEMBER KING: Debbie, are there any more
4 presentations?

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

11 MEMBER KING: Great. Thank you. So at
12 this time does the NRC staff here at headquarters
13 have any questions for C-10, or any headquarters
14 staff on the phone?

15 (No response.)

16 MEMBER KING: Hearing none, what about
17 the region? Any staff in the region have any
18 questions?

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

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

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

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

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

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

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

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

14 MEMBER KING: Okay.

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

18 MEMBER KING [Lamb]: Yes, this is not a
19 public meeting. They asked for a teleconference,
20 but we are open to answering questions about the
21 process. They requested not a public meeting. They
22 requested a teleconference, which is --

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

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1 posted to

2 the --

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

10 MR. GUNTER: Yes.

11 MEMBER KING [Lamb]: -- which is non-
12 public.

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

14 MEMBER KING [Lamb]: Yes.

15 MR. GUNTER: This is a Petition Review
16 Board meeting, their first Petition Review Board
17 meeting?

18 MEMBER KING [Lamb]: This is the request
19 to supply supplemental information prior to the PRB
20 meeting.

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

23 MEMBER KING [Lamb]: Yes.

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

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1 MEMBER KING [Lamb]: That's correct.

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

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

7 MR. GUNTER: Okay.

8 MEMBER KING [Lamb]: That's my
9 understanding at this time.

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

20 MEMBER KING [Lamb]: Tanya, are you on
21 the line?

22 MS. MENSAH: I am. This is Tanya
23 Mensah. I'm the senior project manager, 2.206
24 coordinator. So the process they're following is
25 outlined and described in the Management Directive

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1 811. If you look in there, if the Petitioner
2 requests a meeting with the public -- with the NRC,
3 that is noticed as a public meeting, and that is
4 typically held at NRC Headquarters where any
5 stakeholders are invited to comment at the end of
6 the meeting.

7 Now, the Petitioner --

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

11 MS. MENSAH: So if the Petitioner --

12 (Simultaneous speaking)

13 MR. GUNTER: -- the Petitioners.

14 MS. MENSAH: If you're interested in
15 joining as a co-petitioner, you would coordinate
16 that through the Petitioner. I don't know if that's
17 been done, if you've expressed that before this
18 call. Because they could have included you on the
19 discussion so that you could also have submitted
20 comments. The transcript -- the way that this is
21 made transparent is that following the meeting the
22 transcript will be made public in ADAMS and then the
23 Petitioner will be informed of the initial
24 recommendation, they'll have a second opportunity,
25 as you commented, in accordance with the management

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1 directive to make a second presentation if they want
2 to add additional facts.

3 MR. GUNTER: Have they been provided
4 that --

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

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

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

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

24 MS. MENSAH: I believe that the PRB
25 Chair expressed in his opening remarks that

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1 following today's discussion that the PRB will be
2 deliberating internally and that following that they
3 will be informed of the initial recommendation and
4 have another opportunity. And I believe also that
5 in accordance with the process that John Lamb would
6 have provided the Petitioners with a copy of the
7 management directive so that they have the process
8 and they know what we're following.

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

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

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

24 MS. MENSAH: Only public meetings.

25 MR. GUNTER: With petitioners for the

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1 PRB do you have -- have you published meeting dates
2 on these PRB meetings on your regular calendar? I
3 mean --

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

7 MR. GUNTER: Yes, ma'am.

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

11 MR. GUNTER: Right.

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

14 MR. GUNTER: I see.

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

17 MR. GUNTER: I see.

18 MS. MENSAH: -- so that the petitioner
19 can provide additional information on behalf of
20 their 2.206 --

21 MR. GUNTER: I see.

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

24 MR. GUNTER: Thank you. So if they
25 request this second meeting as a public meeting at

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1 which they attend in the Commission hearing room,
2 that meeting will be timely posted in advance of the
3 meeting to the public?

4 MS. MENSAH: That's correct.

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

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

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

16 MS. MENSAH: Okay.

17 MR. GUNTER: -- it's one of these fine
18 lines where again we view this as potentially
19 generic issue that has much broader interest than
20 the Seabrook Petitioners and their experts, and we
21 would like to recommend that these kinds of meetings
22 -- you know, it's not that difficult to post a
23 telephone conference line.

24 [By letter dated September 25, 2015, C-
25 10 submitted a petition for rulemaking (PRM-50-109)

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1 pursuant to 10 CFR 2.802 to request the NRC to amend
2 its regulations to (1) require that all licensees
3 comply with ACI 349.3R, and (2) require that all
4 licensees comply with ASTM C856-11.]

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

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

19 MR. GUNTER: My comment is again on the
20 2.206 process with regard --

21 MS. MENSAH: Okay.

22 MR. GUNTER: -- to providing public
23 transparency to potentially generic issues of public
24 health and safety, and that I think it's something
25 of a shortcoming to bias the public notification

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1 process to those of us who can by convenience attend
2 these meetings in person and get that public
3 notification and transparency out there. But in the
4 same sense to not -- just because you can't
5 participate in person doesn't mean that you exclude
6 broader public interest by participation in these
7 telephone conference calls on a public Petition
8 Review Board meeting. That's my point. So my
9 comment again is process, and it's directed to the
10 U.S. Nuclear Regulatory Commission.

11 MS. MENSAH: Thank you.

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

25 MR. GUNTER: Let me just -- this is Paul

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

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

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

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

24 [By letter dated September 25, 2015, C-
25 10 submitted a petition for rulemaking (PRM-50-109)

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1 pursuant to 10 CFR 2.802 to request the NRC to amend
2 its regulations to (1) require that all licensees
3 comply with ACI 349.3R, and (2) require that all
4 licensees comply with ASTM C856-11.]

5 COURT REPORTER: Excuse me. Can you
6 identify yourself?

7 (Simultaneous speaking)

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

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

12 MS. GRINNELL: Yes, it's Debbie
13 Grinnell, C-10 Foundation. We sent the petition
14 because we know that the NRC is sending in their
15 final Safety Evaluation Report before the NRC and
16 this study will be done. And we were very
17 encouraged by the fact that the NRC had invested
18 into a very important study. [The NRC contracted
19 with the National Institute of Standards and
20 Technology (NIST) to perform a research study,
21 "Structural Performance of Nuclear Power Plant
22 (NPP) Concrete Structures Affected by Alkali-Silica
23 Reaction (ASR)." The NIST study began in 2014, and
24 it is expected to be completed by 2018.]

25 In the meantime, NextEra has invested

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1 into a study, and certainly the results of those
2 studies in terms of what can be learned, because all
3 of us have needed to learn this as a new form of
4 degradation. So this is all valuable.

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

13 We cannot be making decisions on safety
14 when we have no idea what the extent, rate or even
15 if we've confirmed that ASR is occurring at
16 containment or at the -- it's been too many years
17 with no action from the NRC.

18 [The NRC staff has performed a great
19 deal of inspection regarding ASR and it can be found
20 on the NRC public webpage
21 [http://www.nrc.gov/reactors/operating/ops-
23 experience/concrete-degradation.html](http://www.nrc.gov/reactors/operating/ops-
22 experience/concrete-degradation.html) and
24 [http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/SEAB1/seab1_
chart.html](http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/SEAB1/seab1_
chart.html).]

25 And these are standard code testing that

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1 we've required that -- as Dave has spoken and also
2 as Paul Brown has told us, that these are standards
3 and the very best that we have. And I think given
4 the fact that the studies have been done, you have
5 an obligation to utilize the most important and
6 existing certified testing that's possible and use
7 that to know at least the degree of ASR and the most
8 important and most critical structures at Seabrook.
9 There has been growing Seabrook concern because they
10 are very aware, we are all very aware that NextEra
11 continues to operate in something that is active and
12 progressive and there is no way to repair these
13 structures and we can't predict on how they are
14 going to respond. And there's a great deal of
15 anxiety. And I think that the NRC is obligated as
16 they are on their current license to at least test
17 with the most sophisticated ability that you have
18 and wait for the studies. And I would think that
19 the NIST and NRC study will give you the guidance
20 that you need. But in the meantime, we have a plant
21 and we have no idea the condition of the plant.

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

25 MS. SKIBBEE: I'd like to follow up

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

13 [By letter dated January 19, 2016 (ADAMS
14 Accession No. ML16019A081), the NRC staff provided a
15 response to Debbie Grinnell of C-10 regarding the
16 core samples that NextEra took at Seabrook.]

17 Also, I'm going to point out that
18 according to our materials that we submitted to you
19 yesterday, in 2010 comments by the NRC staff said
20 NextEra said that they would be conducting core
21 petrographic examinations and that, quote, "No
22 structure will be precluded from continued
23 monitoring for the effects of ASR concrete
24 degradation until: (1) core bore petrographic
25 examination has been completed on the Seabrook

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1 structure to confirm the absence of ASR; and (2)
2 that ASR is no longer active. These things have not
3 been done. And we're talking about something that
4 happened three-and-a-half years ago, statements that
5 were made three-and-a-half years ago. Then
6 apparently later in the same year, 2012, NextEra's
7 position changed and instead of doing core sampling
8 according to ACI and ASTM accepted standards, they
9 switched their strategy to again, supposedly
10 similar, but of course not really similar, cores,
11 pull cores at the Ferguson, Texas site. And clearly
12 this is not adequate. I mean, one might wonder why
13 NextEra's position changed. If these standards were
14 mandatory, as C-10's petition is asking, they
15 couldn't have done that. The licensee would have
16 had to take the responsible route by using actual
17 core samples from the actual nuclear power plant,
18 which is what should be happening and which I hope
19 and trust that the NRC will understand and therefore
20 approve our petition. Thank you.

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

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

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1 (Whereupon, the above-entitled matter
2 went off the record at 2:54 p.m.)
3

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