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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

PILGRIM NUCLEAR POWER PLANT

+ + + + +

Wednesday

April 20, 2016

+ + + + +

The conference call was held at 1:06
p.m. Eastern Time, SCOTT MORRIS, Chairperson of the
Petition Review Board, presiding.

PETITIONER:

MARY LAMPERT, Director, Pilgrim Watch

REBECCA CHIN, Co-Chair, Duxbury Massachusetts

Advisory Committee

BILL MAURER, volunteer, Cape Downwinders

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NRC STAFF:

SCOTT MORRIS, Office of Nuclear Reactor
Regulation, PRB Chair

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Office of Nuclear Security and Incident
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Office of Nuclear Reactor Regulation

DOUG TIFFT, State Liaison Officer
Region I

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P R O C E E D I N G S

1:06 P.M.

1
2
3 MR. GUZMAN: My name is Richard Guzman.
4 I'm a project manager in the Office of Nuclear Reactor
5 Regulation. I'd like to thank everyone for attending
6 this meeting.

7 The purpose of today's teleconference is
8 to allow the Petitioners representing Pilgrim Watch,
9 Cape Downwinders, and the Town of Duxbury Nuclear
10 Advisory Committee, and we'll hereafter call them the
11 Petitioners, to address the Petition Review Board in
12 light of the PRB's initial recommendation regarding
13 the 2.206 petition, dated June 11, 2015 regarding
14 radiological emergency response and switchyard
15 vulnerability at Pilgrim Nuclear Power Station.

16 I'm the Petition Manager for the petition
17 and the PRB chairman is Scott Morris. The meeting
18 is scheduled, as indicated, from 1 o'clock to 2
19 o'clock p.m. Eastern Time, and the meeting is being
20 recorded by the NRC Operations Center and is being
21 transcribed by a court reporter. The transcript will
22 become a supplement to the petition and will also be
23 made publicly available in ADAMS.

24 I'll go ahead and start the
25 teleconference with introductions and as we go around

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1 the room and the bridge line, I ask that you clearly
2 state your name, your position and your office or
3 organization for the record.

4 Again, this is Rich Guzman, Project
5 Manager in the Office of Nuclear Reactor Regulation
6 or NRR, and here on our end,

7 MR. ANDERSON: Joe Anderson, Office of
8 Nuclear Security and Incident Response.

9 MS. SANDERS: Serita Sanders, the backup
10 to Merrilee Banic for the Petition Coordinator,
11 Office of Nuclear Reactor Regulation.

12 MR. GUZMAN: Go ahead, Scott.

13 MR. MORRIS: Scott Morris. I'm the
14 Petition Review Board Chairman. I'm also from the
15 Office of Nuclear Reactor Regulation.

16 MR. GUZMAN: Okay, are there any other
17 NRC headquarters participants who have dialed in on
18 the phone, if you could introduce yourselves?

19 MS. MONTEITH: This is Emily Monteith,
20 Office of General Counsel.

21 MS. MATHARU: This is Singh Matharu. I
22 work in the Electrical Branch, NRR.

23 MR. GUZMAN: Okay. Hearing no one else,
24 how about the NRC participants from the Regional
25 Office, if anyone is on line from the Regional Office,

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1 if you could introduce yourselves?

2 MS. McNAMARA: Nancy McNamara, State
3 Liaison Officer, Region I.

4 MR. GUZMAN: Okay.

5 MR. TIFFT: This is Doug Tifft, Liaison
6 Officer, Region I.

7 MR. GUZMAN: All right. I'm sorry, can
8 you repeat that?

9 MR. TIFFT: Yes. This is Doug Tifft,
10 State Liaison Officer, NRC Region I.

11 MR. GUZMAN: Thanks, Doug. And if
12 there's any representatives on the line for Entergy,
13 the licensee for Pilgrim, if so, please introduce
14 yourselves?

15 (No response.)

16 And for the record, would the Petitioners
17 now please introduce yourselves?

18 MS. LAMPERT: Mary Lampert, Pilgrim
19 Watch, Director.

20 MS. CHIN: Becky Chin or Rebecca Chin,
21 Co-Chair of the Duxbury Nuclear Advisory Committee.

22 MR. MAURER: Bill Maurer, volunteer at
23 Cape Downwinders, Falmouth, Massachusetts.

24 MR. GUZMAN: Okay, thank you. It is not
25 required for members of the public to introduce

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1 themselves for this call. However, if there are any
2 members of the public on the phone that wish to do so
3 at this time, please state your name for the record.

4 (No response.)

5 Okay, hearing none, we'll move on. For
6 our court reporter, can you please state your name?

7 COURT REPORTER: Colleen Herbert. Neal
8 R. Gross & Company.

9 MR. GUZMAN: Okay, and I'd like to
10 emphasize that we each need to speak loudly and
11 clearly to ensure that the court reporter can
12 accurately transcribe this meeting. And also, if you
13 do have something that you would like to say, please
14 first state your name for the record.

15 For those dialing in to the
16 teleconference, please remember to mute your phones
17 to minimize any background noise or distractions. If
18 you don't have a mute button, this can be done by
19 pressing the key *6 and then to unmute, press the key
20 *6 again. Thanks.

21 At this time, I'll turn it over to Scott
22 Morris, the PRB Chairman.

23 MR. MORRIS: Thanks, Rich. Again, it's
24 Scott Morris. You already mentioned the purpose of
25 the call. I'm going to just kind of go through some

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1 boilerplates as far as the purpose of this
2 conversation today and I'll try to get through that
3 fairly quickly so we can allow the Petitioners the
4 most amount of time possible here.

5 Just a little bit of background, so I
6 think most of you probably know this, but for the
7 record, Section 2206 of Title of the Code of Federal
8 Regulations describes this process that we're
9 embarked upon here, the petition process, which is
10 really the primary way for the public to request
11 enforcement actions to be taken by the NRC in a public
12 process. The process permits anyone to petition the
13 NRC to take an enforcement action related to any of
14 the NRC's licensees or license activities.

15 Depending on how the NRC and particularly
16 the Petition Review Board evaluates the petition, the
17 NRC can ultimately modify, suspend, or revoke an NRC
18 license. It can also take any other appropriate
19 enforcement action necessary to resolve the issue.
20 The NRC has guidance on how it implements the Section
21 2206 process and that's available on a public website
22 in Management Directive 8.11.

23 The purpose, really as I said, the
24 purpose of today's meeting is to give Mary, Bill, and
25 others, the Petitioners, an opportunity to address

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1 the Board with any additional explanation in support
2 for the petition that they have filed in light of our
3 initial recommendation to reject the petition. And
4 I believe Rich had a call or some sort of
5 communication with you, the Petitioners, back in late
6 March, March 31, 2016 to kind of outline in a big
7 picture way what our basis for our initial
8 recommendation was.

9 But in terms of today, this meeting is
10 not a hearing. It's not an opportunity to question
11 the board members, examine the board members or
12 recommendations on the merits or issues presented in
13 the petition request that's already been filed.
14 We're not going to make any decisions today. We're
15 going to listen and get clarifying information, ask
16 questions as needed.

17 Following the call today, we as the
18 Petition Review Board, will conduct further internal
19 deliberations and the outcome of those deliberations
20 will be discussed with Petitioners.

21 The PRB, as the chairman, which in this
22 case is myself, and the chairman is usually a Senior
23 Executive Service level individual here at the NRC.
24 I meet the qualification. I happen to be in NRR. My
25 current position is Director of the Division of

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1 Inspection and Regional Support.

2 The PRB also has a Petition Manager which
3 is Rich and a PRB Coordinator which is Merrilee. Are
4 there other board members, including Emily Monteith,
5 which you heard, and I think you also heard Joe
6 Anderson from the Office of Nuclear Security and
7 Incident Response?

8 (No response.)

9 And there's also an individual from our
10 Electrical Branch in NRR as well, since some of the
11 aspects of the petition involve electrical issues at
12 the Pilgrim facility. So as described in the process
13 that I outlined and that I mentioned with the
14 Management Directive 8.11, we can ask clarifying
15 questions and likely will in order to better
16 understand the Petitioners' presentation today. And
17 afterwards we will consider if we need to modify any
18 of our initial recommendations based on what we got
19 today. And then our final recommendations will be
20 included in a letter, a formal letter.

21 Before I hand it off, I'm going to
22 briefly summarize the scope of the petition that was
23 filed and the information that we considered to date.
24 So back in June of last year, 2015, the Petitioners
25 submitted the petition under Section 2206 of Title

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1 10, Part 50 regarding concerns about the adequacy of
2 the emergency response plan and the protective
3 measures at Pilgrim Nuclear Power Station. And on
4 July 13th about a month later, the Petitioners
5 supplemented their initial filing to include
6 information concerning Pilgrim switchyard
7 vulnerability and loss of power, and specifically at
8 the station during severe weather events.

9 In addition, the Petitioners requested
10 the NRC to institute this proceeding, a proceeding,
11 I should say, to modify, suspend, or take other action
12 as may be proper to the operating license at Pilgrim
13 such that the NRC can provide reasonable assurance
14 that adequate protective measures can and will be
15 taken in the event of a radiological emergency at the
16 Pilgrim facility.

17 The Petitioners also requested that the
18 NRC evaluate the adequacy of Pilgrim's radiological
19 emergency plan and associated procedures due to
20 alleged deficiencies in the reasonable assurance
21 assessments made by the Federal Emergency Management
22 Agency, or FEMA, and the Massachusetts Emergency
23 Management Agency, or MEMA.

24 Petitioners were also concerned at that
25 time with Pilgrim switchyard vulnerability to

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1 flashovers and requested that the NRC require Pilgrim
2 to shut down their unit as a precautionary measure
3 whenever severe weather conditions are forecast at
4 the site.

5 We also held a teleconference with the
6 Petitioners back on July 9th of last year, again 2015,
7 in which the Petitioners addressed the Board with
8 additional explanation and support for the petition.
9 Several months later, about a month ago, in fact,
10 March 31, 2016, Rich Guzman informed the Petitioners
11 of the Board's initial recommendation to reject the
12 petition on the basis that first the petition
13 requests were not enforcement-related actions and
14 therefore outside of the scope of 2.206 process
15 and/or parts of this petition raised issues that it
16 had already been subject to NRC staff review to which
17 resolution has already been achieved.

18 On April 2nd of this month, the
19 Petitioners requested a teleconference with the Board
20 to comment on that initial recommendation and that is
21 what we're here to do today. So this is a brief
22 reminder for all the participants in this. When you
23 speak, please identify yourself before you make any
24 remarks. That helps the individual who is producing
25 the meeting transcript because this will be made

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1 publicly available. The transcript will be made
2 publicly available. And it is a public meeting, so
3 I would like to remind all participants to refrain
4 from discussing any NRC sensitive or proprietary
5 information to the extent you're aware of it during
6 today's meeting.

7 So now I'm going to turn it over to the
8 Petitioners and allow Mary, Bill, and others to
9 provide any additional explanation or support that
10 they believe the Board should consider as part of
11 this petition. And again, for the record, please
12 introduce yourself and do speak loudly and clearly.
13 If you need to -- I don't hear any background noise,
14 so that's good, but just as a help, if you don't have
15 a mute button on your phone, which I suspect most
16 people do, but if you don't you can mute your line by
17 pressing *6 and then unmute it again by pressing *6.
18 So that's why I wanted to provide an intro, let me
19 just hand it off to Mary.

20 MS. LAMPERT: Oh, great. Mary Lampert,
21 L-A-M-P as in Peter E-R-T, Pilgrim Watch Director.
22 We appreciate this opportunity to express why we find
23 the initial decision untenable based on the evidence
24 presented to you that FEMA and MEMA misrepresented
25 the adequacy of Pilgrim's emergency response plan

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1 during the Juno storm and misrepresented that local
2 EMDs were consulted. Their false statements brings
3 into question whether this was an isolated instance
4 or is part of a pattern. And until this is resolved
5 by NRC, there is no reasonable assurance that NRC has
6 fulfilled its responsibilities for emergency plans.

7 The Petitioners' requests 1, 2, and 4, we
8 believe, are within scope contrary to the PRB's
9 initial decision. And to find out what NRC's
10 responsibilities are, we went to NRC's website and
11 also read the MOU between NRC and FEMA which is
12 hyperlinked on the emergency planning website that
13 NRC has.

14 NRC is responsible first to assess the
15 licensee emergency plans for adequacy. This cannot
16 conceivably mean that you can base assessment of
17 adequacy on false statements. There is an implied
18 requirement to assess the reports for their
19 adequacies, especially when facts are provided to the
20 contrary. Pilgrim Watch and the other Petitioners
21 showed that FEMA's reports on the adequacy of Juno
22 were patently false and to determine adequacy, the
23 NRC needs to review Pilgrim's emergency plans itself
24 to determine if FEMA's Juno misrepresentations are
25 isolated or a pattern.

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1 Second, NRC is responsible to verify that
2 licensee emergency plans can be adequately
3 implemented. The petition has showed they cannot be
4 implemented contrary to FEMA and MEMA's statement
5 that evacuation was possible. And so again, it is
6 within the scope to request that NRC do its job and
7 determine adequacy.

8 Third, NRC is responsible to review FEMA
9 findings and determinations as to whether offsite
10 plans are adequate and can be implemented. In this
11 instance, review includes whether the findings
12 represent fact or fiction. We showed fiction.

13 Number four, NRC is responsible to make
14 radiological health and safety decisions with regard
15 to the overall state of emergency preparedness such
16 as assurance that continued operation, issuance of
17 operating licenses which isn't pertinent here, taking
18 enforcement actions, etcetera. And so therefore, it
19 is incumbent the Nuclear Regulatory Commission to
20 look at these three requests, act on them, so NRC can
21 do its job.

22 We know the buck stops with NRC. In the
23 MOU between NRC and FEMA, it says "nothing in this
24 MOU shall be construed in any way to diminish NRC's
25 responsibility for protecting the radiological health

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1 and safety of the public." In other words, it is
2 within NRC's scope to review the adequacy of
3 Pilgrim's emergency plan especially in light of the
4 fact that FEMA and MEMA reports were inaccurate.

5 The Petitioners' third request which
6 involved a request, an order for shutdown during
7 severe weather, the PRB said that this is
8 sufficiently resolved. We disagree because the
9 question is whether the precautionary shutdown is a
10 requirement of NRC and if so, how is severe weather
11 conditions defined? In other words, what is the
12 trigger for shutdown? And would that be adequate to
13 protect public health and safety which is NRC's
14 responsibility or is this another voluntary industry
15 initiative which cannot be enforced and therefore we
16 argue would not be protective of public health.

17 So in short, we believe that the initial
18 decision is basically untenable on the basis of the
19 facts known to the PRB through our 2.206 petition and
20 we conclude that NRC is the responsible party to
21 assess, verify, review offsite emergency plans to
22 make radiological and health and safety decisions
23 with regard to the overall state of emergency
24 preparedness such as assurance for continued
25 operation, issuance -- or taking enforcement actions

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1 such as notices of violations, civil penalties,
2 orders, shutdown of operating reactors, setting the
3 120-day clock or whatever. To take those actions,
4 it is necessary for the NRC to do its homework, take
5 its responsibility to assure that the reports and
6 what they have been relying on have been accurate.
7 So in essence, that's what I have to say.

8 Bill, Becky, do you have comments?

9 MR. MAURER: Bill Maurer, M-A-U-R-E-R,
10 Cape Downwinders. I live in Falmouth, Massachusetts.

11 You know, after the blizzard of January
12 2015 with the switchyard failure, I went back through
13 the records and Pilgrim switchyard had failed -- I
14 can go back to 1978, the blizzard of '78. Pilgrim
15 switchyard failed eight times. We're currently under
16 severe winter weather conditions. That's a pattern.

17 This is like a no brainer kind of stuff,
18 you know? In a blizzard, evacuations are off the
19 table as an emergency response. In fact, in this
20 last blizzard in January 2015, Governor Baker banned
21 any travel for a certain period of time. So it's
22 just remarkable to me that the NRC, MEMA, Entergy,
23 and BECO before that couldn't connect those dots,
24 that during a blizzard, we can't evacuate Pilgrim.
25 During a blizzard, Pilgrim is really susceptible to

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1 switchyard flashovers and scraps. It took public
2 pressure to get the NRC and MEMA to make that
3 correlation.

4 In my mind, this is not heads up law and
5 this is not rocket science. So either people ignored
6 it or people weren't smart enough to connect the dots.
7 Either way, it -- I don't like the sound of it.

8 So now, the switchyard is still
9 inadequate. Actually, in a supplemental inspection
10 report that was issued on January 26, 2015, it was a
11 supplemental inspection report that was an inspection
12 that was done December 2014, the NRC discovered that
13 Entergy had actually put failed insulators in
14 storage, insulators that failed in a storm in
15 February 2013, never sent them out for testing to
16 determine root cause. This is just unacceptable.

17 So when the NRC now says well, now we're
18 shutting the plant down, we'll ask Entergy to shut
19 the plant down during severe weather, you know,
20 credibility is gone as far as I'm concerned. It's
21 just -- I don't know what to say, tell you how
22 disappointed I am that this is the way things are
23 playing out.

24 I mean this is probably not just specific
25 to Pilgrim, you know, all the power plants that are

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1 in places that get blizzards are faced with the same
2 fact that during a blizzard evacuations are
3 impossible. The cookbook, one size fits all,
4 emergency planning, the accounts that they make for
5 severe winter weather are certainly inadequate, based
6 on empirical evidence at Pilgrim and I'm sure at other
7 plants around the country. I think those needed
8 upgrading. Thank you.

9 MS. LAMPERT: Bill, if I could just make
10 one clarification, Mary Lampert, Pilgrim Watch.

11 MR. MAURER: Sure.

12 MS. LAMPERT: The clarification would be
13 not simply blizzards, but severe weather making
14 evacuation untenable because you have situations of
15 hurricanes. You have situations of severe flooding.
16 There are all sorts of natural events. And due to
17 climate change severe weather patterns, whether they
18 be blizzards, hurricanes, or what have you are
19 becoming more frequent.

20 Therefore, and this is a second point and
21 a request for clarification, did NRC require that
22 there be shutdown as a precaution prior to a severe
23 event, natural event, that would impede evacuation or
24 is this an NRC suggestion, a voluntary industry
25 initiative? If it's the latter, then it's

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1 unacceptable, we believe and that was the thrust of
2 our third request.

3 Go ahead, Bill. I'm sorry for
4 interrupting.

5 MR. MAURER: That's okay. You're
6 exactly right. It's any sort of severe weather that
7 takes evacuation off the table as an option. I don't
8 know what else to say. I'm just in awe that we found
9 ourselves in this position after the storm, the
10 blizzard of 2015, the public pressure to -- did
11 anybody connect the dots? That's it. Thank you.

12 MS. CHIN: This is Rebecca Chin, C-H-I-
13 N. I co-chair the Nuclear Advisory Committee for
14 Duxbury, Massachusetts. Actually, I'd like to say I
15 completely agree with Ms. Lampert's comment in the
16 beginning and Bill Maurer's comments just recently.

17 I have lived in town for the entire
18 history of Pilgrim Nuclear Power Plant and I can't
19 tell you how disappointed I am in the oversight of
20 the NRC and taking responsibility. It does land on
21 your toes. It is at your doorstep that you cannot
22 pass over to another federal agency and say not my
23 problem, somebody else's. And it's not okay.

24 This is a nuclear power plant. We depend
25 on you to do your job and to look at the reports that

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1 come through that are probably insufficient at this
2 point as to this petition as far as what NEMA and
3 FEMA

4 stated in their ability to protect the emergency
5 plans for the Town of Duxbury or the EOC around the
6 entire plant. It is not okay to disregard the
7 reality of the fact that we were not able to evacuate.

8 Our emergency manager director did not
9 get called to ask for his opinion if the plants could
10 be implemented and that the town was left to their
11 own devices should something have gone wrong at that
12 point and that the call to require a shutdown with
13 the advanced notice of severe weather should not be
14 an option. The plant is never going to make that
15 call easily without a great deal of either public
16 pressure or you telling them they must shut down as
17 a precaution to protect the residents in probably a
18 50-mile radius of that plant because there's no way
19 in a major storm that anybody inside that radius is
20 going to be able to move. That's my comment.

21 MS. LAMPERT: Again, Mary Lampert.
22 Excuse me, does somebody else want to say something?

23 MR. MAURER: Yes, this is Bill Maurer.
24 You know, I just want to sort of punch away a little
25 bit and say that sometimes during blizzards it's not

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1 just a day, it can be three days before people are
2 able to get out and even shovel their driveways. So
3 that's it. Thank you.

4 MS. LAMPERT: Let me clarify my concern
5 with the NRC abdicating responsibility by saying you
6 rely blindly on FEMA for determination of adequacy.
7 One of my sons teaches at a university. For large
8 lecture classes, he has TAs do the grading. Now if
9 a student points out that a TA flunked him, but look
10 here at the exam, it's plus perfect, whose
11 responsibility is it? Is it the TA's responsibility?
12 No, the buck stops with my son because he is the
13 professor at that university. He is the one who is
14 responsible.

15 So to say in a similar vein that these
16 questions are out of scope, 1, 2, and 4, makes no
17 sense. No, they're totally within scope because you,
18 the NRC, cannot with a straight face make a
19 determination that emergency plans at Pilgrim Station
20 are adequate to protect public health and safety.
21 You can't say that now because your statement of that
22 rests upon a determination by FEMA and MEMA that have
23 been shown to you to have lied.

24 And so therefore, it is for you to do
25 your job, you have to make an assessment yourself by

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1 coming up here as Commissioner Carr did at one point,
2 send a team up to look at the plant, to make an
3 evaluation yourselves, because you are the
4 responsible party. And because Entergy has
5 determined to continue to operate until May 31st,
6 2019, the emergency plans remain very important at
7 least through that date.

8 MR. MORRIS: Okay. Any other thoughts,
9 comments, clarifying information from any of the
10 Petitioners before I open it up for questions from
11 some of the board members?

12 (No response.)

13 Doesn't sound like it. This is Scott
14 Morris again, Petition Review Board chairman.

15 Anybody on the call from the Nuclear
16 Regulatory Commission staff, specifically the
17 Petition Review Board members themselves, have any
18 questions or clarifying requests from the
19 Petitioners?

20 (No response.)

21 Are you guys there? Rich?

22 MR. GUZMAN: We have no comments over
23 here.

24 MS. LAMPERT: We put them to sleep, I
25 think.

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1 MR. MORRIS: No, I've been taking notes.
2 This is Scott Morris again.

3 Okay, I don't -- as I indicated, we're
4 not really here to negotiate what NRC should be doing.
5 We're here to collect information to make sure that
6 we're making the most informed, appropriate decision
7 that we can make given the circumstances, given the
8 facts, given the information presented.

9 I think I have that and I do appreciate
10 the additional offerings here today and I really --
11 I do believe I fully grasp what the challenges are
12 that you're raising here with respect to the station,
13 with respect to the NRC and its roles and
14 responsibilities and with respect to FEMA and MEMA.
15 I believe I have a full and firm understanding of all
16 of the issues.

17 I personally don't have any additional
18 questions or clarifying information and again, I
19 would just offer it up to the board to give another
20 chance, if there's something that they didn't quite
21 grasp or fully appreciate from what you said today.

22 I would just make one comment about roles
23 and responsibilities. And it's true, NRC is the
24 regulator of nuclear safety and security and our goal
25 obviously and our mission is to ensure public health

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1 and safety for the civilian uses of nuclear and
2 radiological materials. And we are very serious
3 about that in spite of what you may think.

4 I will say that there are very well-
5 defined roles and responsibilities of every entity
6 that we engage with in executing our mission. I
7 think in the -- well, I know in the initial response
8 or initial recommendation that the Board had that was
9 communicated to you last month, I'm not sure how well
10 you understand the basis behind those initial
11 recommendations and I don't want to invite the
12 Petitioners to ask the board members specific
13 questions, but I will just offer that some of the --
14 particularly with respect to items 1 and 2 where there
15 are assertions and slash allegations of
16 misrepresenting the facts or not telling the truth,
17 lying, I think I heard, you know, those are very
18 serious charges.

19 Typically, we don't handle those under
20 the petition process and I think that's what Rich
21 communicated. We handle those under alternate means,
22 whether it be through Inspectors General of those
23 various agencies and organizations or some other
24 potential avenues. And those are under consideration
25 as well.

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1 The petition review process has one
2 avenue to pursue and you have elected to pursue those
3 particular issues under this process. I think what
4 the Board communicated was in those cases, there are
5 other more appropriate means to address those
6 matters.

7 MS. LAMPERT: May I interrupt? This is
8 Mary Lampert. I think there are different levels to
9 look at misrepresentation. What you're referring to
10 is you could go to the Inspector General at FEMA, and
11 I guess the Attorney General from MEMA, to address a
12 particular misrepresentation. But there is, and what
13 we brought forward, a broader level of that and that
14 is seeing as how we showed that FEMA and MEMA
15 represented facts in this instance that it then is
16 incumbent through this process for the NRC to then
17 take a hard look to determine whether this was an
18 isolated instance or not. And it would trigger NRC
19 to then in a precautionary manner to do your job, to
20 look at the adequacy of Pilgrim's plans because there
21 is a potential that your approval of the plans and
22 determination that Entergy was fulfilling its
23 obligation to follow the rules and guidance of
24 planning may be incorrect because you were relying
25 upon FEMA and perhaps that was a big mistake.

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1 MR. MORRIS: I understand. Thanks.
2 This is Scott Morris. I understand your
3 clarification, Mary. And I appreciate that. So
4 thanks for that.

5 Yes, clearly, just for the public record,
6 it's clearly the NRC, the licensee in concert with
7 the state and local officials developed a plan, but
8 ultimately the NRC reviews and approves that plan and
9 once it's approved and part of their operating
10 license, then clearly there's not only an
11 expectation, but a requirement that the plan be
12 implemented. And so I understand that.

13 And I think what I'm hearing you say is
14 well maybe the plan as written and as reviewed and
15 approved by the NRC may, in fact, the plan itself may
16 not be adequate, in part or in whole because there's
17 a reliance upon a third party or a state and local
18 plan and emergency officials who exercise its role in
19 support of that plan.

20 MS. LAMPERT: Correct. Because in the
21 past we have found 2.206 petitions about emergency
22 planning, about for example --

23 MR. MORRIS: Right, I understand.

24 MS. LAMPERT: -- decay. And there could
25 well be a common thread running here.

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1 MR. MORRIS: Well, I will say -- I
2 appreciate that, Mary. Again, Scott Morris here. I
3 will say that as the regulator, we are -- we do, in
4 fact, approve and have requirements for emergency
5 planning and a variety of other things. It's our
6 expectation that, in fact, those plans be
7 implemented. That expectation is based on a
8 presumption. The presumption is that the parties
9 that are -- the entities that are party to that plan
10 will do their -- fulfill their function as written.

11 MS. LAMPERT: I guess they're reputable
12 presumptions, rebuttable.

13 MR. MORRIS: Exactly. And it doesn't --
14 the plan itself does not contemplate the -- whether
15 or not somebody will willfully ignore or abdicate, I
16 think is the word you used at one point, elements of
17 the plan. And so when those -- when assertions of
18 that type of impropriety or willful behavior or
19 careless disregard or however you want to
20 characterize it, as I said, we don't -- we're not
21 saying we're ignoring it. We're just saying that our
22 initial recommendation was based on the presumption
23 or the fact that that could be remedied through
24 alternative process. That's all we were saying in
25 the --

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1 MS. LAMPERT: Yes, well, the alternative
2 processes would be a spank on FEMA's and MEMA's rear
3 end --

4 MR. MORRIS: I don't want to comment on
5 what may ultimately happen.

6 MS. LAMPERT: Yes, but I'm just saying
7 that's what could happen. Dealing directly with that
8 instance, but again it doesn't solve the broader
9 problem.

10 MR. MORRIS: I understand. I do.

11 MR. MAURER: Can I jump in? This is Bill
12 Maurer.

13 MR. MORRIS: Yes, sir.

14 MR. MAURER: Hi. When we've chosen
15 alternative routes like talking to MEMA, Governor
16 Baker, Senator Markey, what comes back to us is we're
17 preempted by the NRC. So you're telling us to --

18 MR. MORRIS: Yes.

19 MR. MAURER: It's like a dead-end street.

20 MR. MORRIS: I hear you. I guess I'm a
21 little, well, I'll just say I understand what your
22 understanding is or what you've been told.

23 MR. MAURER: In the meetings.

24 MR. MORRIS: Yes.

25 MR. MAURER: In the meetings. But

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1 that's the posture people take.

2 MR. MORRIS: The other thing I just
3 wanted to mention by way of clarification is with
4 respect to the switchyard at the station, and as you
5 said, its pattern of challenges that it's experienced
6 over the lifetime. That's something that we, too,
7 are in full recognition of. There have been a number
8 of inspection and assessment activities that occurred
9 at the facility including as recently as this year
10 where -- and I will say that members of this very
11 board have been in communication with the folks
12 responsible for implementing those inspections.
13 Those inspections have looked at this. They have
14 taken a look at the equipment issue. They've taken
15 a look at the licensee processes with respect to
16 maintaining and operating those systems.

17 So it's their conclusion, based on boots
18 on the ground, so to speak, and looking at the actions
19 that the licensee has taken and proposes to take
20 should there be another incident like Juno. We found
21 that to be sufficient and adequate, consistent with
22 our regulatory structure, requirements, etcetera.

23 MR. MAURER: Why not just fix the
24 switchyard? Why not just spend the money just to fix
25 it instead of the band-aid approach? How about a

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1 little belt and suspenders instead of do as little as
2 possible?

3 MR. MORRIS: Yes, I don't want to comment
4 on this call with respect to the actions that the
5 licensee has or intends to take absent what's already
6 in the public record and inspection reports. But I
7 think that the belt and suspenders approach, I think
8 that the regulatory infrastructure requirement plan,
9 oversight, other things that we do, I think provide
10 a reasonable -- without -- I mean this is Scott Morris
11 speaking, provide a belt and suspenders approach.
12 And I'll leave it at that. I understand your
13 concerns and really what I wanted to make sure I fully
14 grasp what it is you are conveying.

15 MR. MAURER: Absolutely. I feel like
16 the Agency and Entergy has been recklessly gambling
17 with public safety in regards to that switchyard and
18 seeing if it can go through blizzard after blizzard
19 after blizzard without repairing it.

20 MR. MORRIS: All right.

21 MS. LAMPERT: The company has been losing
22 money and they're going to close May 31, 2019, so
23 anyone would be a fool to think they're going to spend
24 money on it. And NRC has shown no enthusiasm for
25 requiring them to spend money. And that's the way

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1 it is. So we hope our luck holds out and that said,
2 that was only one part of the petition. And so we
3 look forward to hopefully, you determining that the
4 other three were in scope and that your response will
5 also indicate whether a precautionary shutdown is, in
6 fact, a requirement by providing the ML, so we can
7 see that it is a requirement to their license and a
8 definition of severe weather that would trigger the
9 shutdown, or again, whether it is a suggestion by the
10 NRC and opt to a voluntary behavior by Entergy that
11 wants to squeeze every drop of juice out of the lemon.

12 MR. MORRIS: I understand.

13 MS. LAMPERT: So that's what we'd really
14 like to hear.

15 MR. MORRIS: This is Scott. I
16 understand.

17 MS. LAMPERT: It was great talking to
18 you.

19 MR. MORRIS: I'm sorry?

20 MS. LAMPERT: I just said it was nice
21 talking with you.

22 MR. MORRIS: Oh, okay. You mentioned ML
23 and ML for those who may not be familiar including
24 our individual transcribing, ML stands for Main
25 Library. It's a reference to a specific number in

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1 our Electronic Library System.

2 Okay, I don't think that the licensee for
3 Pilgrim is on the line, but I'll ask one more time if
4 perhaps someone, an individual from the licensee
5 joined the conference? If not, or if so, I would ask
6 them if they have any questions. If not, I'll ask
7 if there are any members of the public on this call.

8 (No response.)

9 And it doesn't sound like it.

10 MS. LAMPERT: Becky, is there anything
11 you want to say?

12 MS. CHIN: I made my comments and echo
13 your original comments and Bill's comments and my
14 concerns that the licensee is allowed to have options
15 that probably shouldn't be put in their pocket. They
16 should be on their toes by the NRC to require shutdown
17 when a predicted major storm is coming into the
18 coastline and not leave it to luck.

19 MR. MORRIS: Okay, thank you for that.
20 Well, listen, I do appreciate the time you took out
21 of your day today to provide us that additional
22 information and I can assure you that we are going to
23 take that information. We will go back and review
24 our notes and the transcription from this. We will
25 reconvene as a board, consider the additional

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1 comments that you've made and we will render -- I
2 think, an appropriate decision and that will be a
3 publicly-available document.

4 Before we close, does the court reporter
5 or the individual who is transcribing this call need
6 any information?

7 COURT REPORTER: Yes. Thank you. I do
8 have a few questions, actually, about spelling.
9 Could I have for the record everyone's -- everyone
10 present from the ERB and who is also on the call from
11 the NRC state their name, if they could spell it for
12 me and also their title or affiliation.

13 MR. GUZMAN: Is it Colleen?

14 COURT REPORTER: This is Colleen.

15 MR. GUZMAN: Do I have your name right,
16 Ms. Court Reporter?

17 COURT REPORTER: Yes.

18 MR. GUZMAN: In the past, I've just
19 emailed all the names to the reporter to make it
20 easier and facilitate that process, so I can either
21 get your email address or I can send it to Matina.

22 COURT REPORTER: To who? Excuse me.

23 MR. GUZMAN: I can provide her a list of
24 the names so that way we're not using up this time.

25 COURT REPORTER: Okay, that's fine.

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1 MR. MORRIS: Okay?

2 COURT REPORTER: Great.

3 MR. MORRIS: Any other questions,

4 Colleen? COURT REPORTER: No, that will

5 be all.

6 MR. MORRIS: All right, again, well,

7 thank you all. With that, we'll conclude the meeting

8 and we're going to terminate the phone connection.

9 Thanks again.

10 MS. LAMPERT: Thank you.

11 MR. MAURER: Thank you.

12 (Whereupon, the above-entitled matter

13 went off the record at 1:56 p.m.)

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