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GE Mark 1 BWRS

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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

GE MARK I BWRS

+ + + + +

WEDNESDAY

JUNE 8, 2011

+ + + + +

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

PETITIONER: PAUL GUNTER

KEVIN KAMPS

CO-PETITIONERS: MARY LAMPERT

RAYMOND SHADIS

PATRICIA BIRNIE

DAVE KRAFT

PETITION REVIEW BOARD MEMBERS

ROBERT NELSON

SIVA LINGAM

TANYA MENSAH

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P R O C E E D I N G S

1:57 p.m.

1
2
3 MR. LINGAM: I am Siva Lingam. I am the
4 Petition Manager for this. I would like to thank
5 everyone for attending this meeting. We are here
6 today to allow the Petitioners from Beyond Nuclear,
7 represented by Mr. Paul Gunter and Mr. Kevin Kamps;
8 and Co-petitioners from Pilgrim Watch, represented by
9 Ms. Mary Lampert; New England Coalition represented by
10 Mr. Raymond Shadis; GE Stockholders' Alliance
11 represented by Ms. Patricia Birnie; and Nuclear Energy
12 Information Service, represented by Mr. David Kraft,
13 to address the NRC Petition Review Board, also
14 referred to as the PRB, regarding the 2.206 petition
15 dated April 13, 2011, and the co-petitions dated May
16 14, 2011, May 18, 2011, May 27, 2011, and May 31,
17 2011, respectively. I am the Petition Manager for
18 this petition, and Mr. Robert Nelson is the Petition
19 Review Board Chairman.

20 As part of the PRB's review of the
21 petition, the Petitioner was offered an opportunity to
22 address the PRB, to provide any relevant additional
23 explanation and support for the petition. Mr. Paul
24 Gunter of Beyond Nuclear requested this meeting to
25 address the PRB. In accordance with Management

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1 Directive 8.11, the Petitioner may request that a
2 reasonable number of associates be permitted to assist
3 in addressing the PRB concerning the petition. All of
4 the Co-petitioners were also notified about this
5 meeting. Co-petitioners Ms. Mary Lampert of Pilgrim
6 Watch, Mr. Raymond Shadis of New England Coalition,
7 Ms. Patricia Birnie of GE Stockholders' Alliance and
8 Mr. Kraft of Nuclear Energy Information Service also
9 requested an opportunity to address the PRB during
10 this meeting. For rest of the Co-petitioners Marvin
11 Lewis, Janet Tauro of New Jersey Environmental
12 Federation, Janet Tauro of Grandmothers, Mothers and
13 More for Energy Safety, Tim Judson of Central New York
14 Citizens Awareness Network, Deb Katz of Citizens
15 Awareness Network, John LaForge of Nukewatch, Louis
16 Zeller of Blue Ridge Environmental Defense League,
17 John Sanbonmatsu from Worcester Polytechnic Institute,
18 Patsy Lowe, Scott Portzline of Three Mile Island Alert
19 security consultant, and Pine duBois of Jones River
20 Watershed Association, we apologize for not able to
21 allow any time to present the PRB because of time
22 constraints, however, we welcome any additional
23 information you can provide in writing for PRB review.
24 For any other Co-petitioners that I missed, they will
25 have the same thing; they can provide additional

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1 information in writing for PRB review.

2 This meeting is scheduled for two hours,
3 from 2:00 PM to 4:00 PM. The meeting is being
4 recorded by the NRC Operations Center and will be
5 transcribed by a court reporter. The transcript will
6 become a supplement to the petition. The transcript
7 will also be made publicly available through the NRC's
8 Agency-wide Documents Access and Management System,
9 also called as ADAMS.

10 For those at the NRC headquarters, we have
11 public meeting feedback forms that you are welcome to
12 fill out. These forms are forwarded to our internal
13 communications specialists. You may either leave them
14 here following the meeting or mail them back. They
15 are already post-paid. If you are participating by
16 phone and would like to leave email feedback on this
17 public meeting, please forward your comments to me by
18 email siva.lingam@nrc.gov.

19 I'd like to open this meeting with
20 introductions of the meeting participants. I ask that
21 all of the participants clearly state for the record
22 your name, your position or occupation, and your
23 organization. For those here in the room, please
24 speak up or approach the microphone so the persons on
25 the phone can hear clearly and so that the court

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1 reporter can accurately record your name. I will
2 start with myself and the other NRC participants here
3 in the room.

4 I am Siva Lingam, Petition Manager.

5 CHAIRMAN NELSON: My name is Robert
6 Nelson. I am the chairman of Petition Review Board.
7 I'm Deputy Director of the Division of Policy and
8 Rulemaking at the NRC.

9 MS. MENSAH: Tanya Mensah, I'm Petition
10 Review Board Review Coordinator. I'm at NRR, Division
11 of Policy and Rulemaking.

12 MR. MIRANDA: Samuel Miranda, Technical
13 Reviewer in the Reactor Systems Branch, office of
14 Nuclear Reactor Regulation.

15 MR. MANOLY: I'm Kamal Manoly, Senior
16 Technical Advisor, Division of Engineering, Office of
17 Nuclear Reactor Regulation.

18 MR. GOEL: Vijay Goel. Office of Nuclear
19 Reactor Regulation's Electrical Engineering Branch.

20 MR. SMITH: My name is Ed Smith. I'm at
21 NRR, Safety Systems, Balance of Plant and I'm a
22 Technical Reviewer.

23 MR. LINGAM: Are there any NRC
24 participants from Headquarters on the phone?

25 (No response.)

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1 Are there any NRC participants from the
2 Regional Offices on the phone? Region I?

3 (No response.)

4 Any participants from Region II on the
5 phone?

6 MR. CHRISTENSEN: In Region II you have
7 Chris Christensen, NRC Region II, Atlanta. I'm the
8 Deputy Director of the Division of Reactor Safety.

9 MR. LINGAM: Region III, please?

10 MR. HILLS: David Hills, Engineering
11 Branch Chief, NRC Region III.

12 MR. MEGHANI: And this is Vijay Meghani,
13 Division of Reactor Safety, Branch 1.

14 MR. LINGAM: Region IV, please.

15 (No response.)

16 Are there any representatives from the
17 licensees on the phone?

18 MR. BEAUMONT: This is Mark Beaumont,
19 Director of Nuclear Regulatory Programs for the ERS
20 Corporation.

21 MR. HAMRICK: Stephen Hamrick, counsel for
22 NextEra Energy Duane Arnold.

23 MR. DEVINCENTIS: Jim Devinentis, Entergy
24 Nuclear Operations.

25 MR. LINGAM: Anybody else?

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1 (Simultaneous speaking.)

2 MS. BELL: Florence Bell, Regulatory Staff
3 in South Carolina.

4 MR. SNYDER: Kirk Snyder, Detroit Edison.

5 MS. McFARLAND: Lisa McFarland, NPPD.

6 (Simultaneous speaking.)

7 MR. EDDY: Paul Eddy, New York Public
8 Service Commission.

9 MR. LINGAM: Anybody else?

10 MS. BELLIN: This is Carol Bellin. I'm a
11 member of the public calling from Montana.

12 MR. ZACHS: Vaughn Zachs, State of New
13 Jersey, Bureau of Nuclear Engineering, Department of
14 Environmental Protection.

15 MR. BERGERON: Ken Bergeron calling from
16 New Mexico. I'm a private citizen as well.

17 MR. PORTZLINE: I'm Scott Portzline from
18 Harrisburg, Pennsylvania, Three Mile Island Alert.

19 MR. CLEMENTS: This is Tom Clements with
20 the environmental organization Friends of the Earth in
21 Columbia, South Carolina.

22 MS. MARSH: This is Janet Marsh. I'm here
23 with Lou Zeller, Blue Ridge Environmental Defense
24 League.

25 MS. GOTSCH: Paula Gotsch of the Oyster

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1 Creek Area GRAMMES.

2 MR. CRUM: Jeff Crum, Grandmothers,
3 Mothers and More for Energy Safety

4 MR. LINGAM: If you're a Co-petitioner,
5 please state so.

6 MR. RIEDER: Jonathan Rieder, Wells Fargo
7 Securities.

8 MR. EPSTEIN: Eric Epstein, Three Mile
9 Island Alert, Harrisburg, Pennsylvania.

10 MR. LINGAM: Anybody else? Mr. Gunter and
11 Mr. Kamps, would you please introduce yourself for the
12 record?

13 MR. GUNTER: My name is Paul Gunter. I'm
14 Director of the Reactor Oversight Project for Beyond
15 Nuclear.

16 MR. KAMPS: My name is Kevin Kamps,
17 Radioactive Waste Specialist at Beyond Nuclear. I
18 also serve on the Board of Directors of Don't Waste
19 Michigan and the Nuclear-Free Green Energy Task Force
20 of Great Lakes United.

21 MR. LINGAM: Ms. Lampert --

22 OPERATOR: This is Headquarters Operations
23 Officer, for the NRC folks, could we please delay
24 start of the 2.206 petition call in that we have an
25 excessive number of callers. We're trying to find

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1 additional lines to accommodate them.

2 (Whereupon, the above-entitled matter went
3 off the record at 2:08 p.m. and resumed at 2:37 p.m.)

4 CHAIRMAN NELSON: Okay, this is Mr.
5 Nelson, the chair of the Board. We're going to
6 recommence from where we left off and I'm going to
7 turn it back over to Mr. Lingam.

8 MR. LINGAM: At this point, we're delayed
9 due to the number of callers. I just want to make
10 sure the introductions are limited to Co-petitioners
11 that are given time to speak, to assure we've provided
12 Petitioners the allotted time.

13 Ms. Lampert, as a Co-petitioner, will you
14 please introduce yourself for the record?

15 MS. LAMPERT: Yes, Mary Lampert, L-A-M-P-
16 E-R-T. Pilgrim Watch.

17 MR. LINGAM: Mr. Shadis, as a Co-
18 petitioner, would you please introduce yourself for
19 the record?

20 MR. SHADIS: Thank you, sir. Raymond
21 Shadis for New England Coalition. My last name is
22 spelled S-H-A-D-I-S.

23 MR. LINGAM: Ms. Birnie, as a
24 Co-petitioner, would you please introduce yourself for
25 the record?

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1 MS. BIRNIE: Patricia Birnie, B-I-R-N-I-E,
2 GE Stockholders' Alliance.

3 MR. LINGAM: Mr. Kraft, as Co-petitioner,
4 would you please introduce yourself for the record?

5 MR. KRAFT: This is Dave Kraft, spelled K-
6 R-A-F-T. I'm Director of Nuclear Energy Information
7 Service in Chicago, Illinois.

8 MR. LINGAM: We are sorry we cannot give
9 opportunity for the rest of the Co-petitioners to
10 introduce themselves because of the time limit. So I
11 would like to emphasize that we need to speak clearly
12 and loudly to make sure that the court reporter can
13 accurately transcribe this meeting. If you do have
14 something that you would like to say, please first
15 state your name for the record.

16 For those dialing into the meeting, please
17 remember to mute your phones to minimize any
18 background noise or distractions. If you do not have
19 a "mute" button, this can be done by pressing the keys
20 *6. To unmute, press the *6 keys again. Thank you.

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

23 CHAIRMAN NELSON: Good afternoon. My name
24 is Robert Nelson. As Siva mentioned, I am the chair
25 of the Board. Welcome to this meeting regarding the

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1 2.206 petitions submitted by Mr. Gunter and Mr. Kamps
2 of Beyond Nuclear, Ms. Lampert of Pilgrim Watch, Mr.
3 Shadis of New England Coalition, Ms. Patricia Birnie
4 of GE Stockholders' Alliance, Mr. Marvin Lewis, and
5 Mr. David Kraft of Nuclear Energy Information Service.

6 I'd like to first share some background on
7 our process: Section 2.206 of Title 10 of the Code of
8 Federal Regulations describes the petition process,
9 the primary mechanism for the public to request
10 enforcement action by the NRC in a public process.
11 This process permits anyone to petition the NRC to
12 take enforcement-type action related to NRC licensees
13 or licensed activities. Depending on the results of
14 its evaluation, NRC could modify, suspend or revoke an
15 NRC-issued license or take any other appropriate
16 enforcement action to resolve a problem. The NRC
17 staff's guidance for the disposition of 2.206 petition
18 requests is in Management Directive 8.11, which is
19 publicly available.

20 The purpose of today's meeting is to give
21 the Petitioners an opportunity to provide any
22 additional explanation or support for the petition
23 before the Petition Review Board's initial
24 consideration and recommendation.

25 I'd like to make some points regarding

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1 this meeting. This meeting is not a hearing, nor is
2 it an opportunity for the Petitioner to question or
3 examine the PRB on the merits or the issues presented
4 in the petition request.

5 The Board will make no decisions regarding
6 the merits of this petition at this meeting.

7 Following this meeting, the Petition
8 Review Board will conduct its internal deliberations.

9 The outcome of this internal meeting will be
10 discussed with the Petitioners.

11 The Petition Review Board typically
12 consists of a Chairman, usually a manager at the
13 Senior Executive Service level at the NRC. The
14 Petition Manager is me, Bob Nelson. It has a Petition
15 Manager, Siva Lingam and a PRB Coordinator. Other
16 members of the Board are determined by the NRC staff
17 based on the content of the information in the
18 petition request.

19 At this time, I would introduce the
20 remaining members of the Board. As I mentioned, I'm
21 Robert Nelson, the Petition Review Board Chairman.
22 Siva Lingam is the Petition Manager. Tanya Mensah is
23 the office's PRB Coordinator. Our technical staff
24 includes:

25 Samuel Miranda from the Office of Nuclear Reactor

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1 Regulation's Reactor Systems Branch. Edward Smith
2 from the Office of Nuclear Reactor Regulation's
3 Balance-of-Plant Branch. Kamal Manoly, Senior
4 Technical Adviser from the Office of Nuclear Reactor
5 Regulation's Division of Engineering. Vijay Goel from
6 the Office of Nuclear Reactor Regulation's Electrical
7 Engineering Branch. Gerry Gulla from the Office of
8 Enforcement. Lauren Gibson from the Division of
9 Operator Reactor Licensing Communications Team.

10 Jim Clifford from the NRC Region I Office located in
11 King of Prussia, Pennsylvania, Harold Christensen from
12 the NRC Region II Office located in Atlanta, Georgia,
13 David Hills from the NRC Region III Office located in
14 Lisle, Illinois and Tom Farnholtz from the NRC Region
15 IV Office located in Arlington, Texas.

16 And we obtain advice from our Office of
17 General Counsel, represented by Michael Clark and
18 Kimberly Sexton.

19 As described in our process, the NRC staff
20 may ask clarifying questions in order to better
21 understand the Petitioner's presentation and to reach
22 a reasoned decision whether to accept or reject the
23 Petitioner's requests for review under the 2.206
24 process. Also, as described in our process, the
25 licensees have been invited to participate in today's

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1 meeting to ensure that they understand the concerns
2 about their facilities or activities. While the
3 licensees may also ask questions to clarify the issues
4 raised by the Petitioner, I want to stress that the
5 licensees are not a part of the PRB's decision-making
6 process.

7 I would like to next summarize the
8 Petition Review Board's understanding of the scope of
9 the petition under consideration and the NRC
10 activities to date.

11 On April 13, 2011, Mr. Paul Gunter and Mr.
12 Kevin Kamps of Beyond Nuclear, who will be referred to
13 in the meeting as the Petitioners, submitted a
14 petition, under Title 10 of the Code of Federal
15 Regulations, Part 2.206, regarding immediate shutdown
16 of all GE BWR Mark I Units. Subsequently, Ms. Mary
17 Lampert of Pilgrim Watch, Raymond Shadis of New
18 England Coalition, Patricia Birnie of GE Stockholders'
19 Alliance, Marvin Lewis, David Kraft of New Energy
20 Information Service, Janet Tauro of New Jersey
21 Environmental Federation, Janet Tauro of Grandmothers,
22 Mothers and More for Energy Safety, Tim Judson of
23 Central New York-Citizens Awareness Network, Deb Katz
24 of Citizens Awareness Network, John LaForge of
25 Nukewatch, Louis Zeller of Blue Ridge Environmental

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1 Defense League, John Sanbonmatsu from Worcester
2 Polytechnic Institute, Patsy Lowe, Scott Portzline of
3 Three Mile Island Alert security consultant, and Pine
4 duBois of Jones River Watershed Association
5 respectively requested to be added as Co-petitioners
6 to the above mentioned Beyond Nuclear petition, and
7 will collectively be referred to as Co-petitioners.

8 The Petitioners seek the enforcement
9 action to immediately shut down all GE Boiling Water
10 Reactor Mark I Units for the following reasons:

11 fundamentally flawed combination of free standing
12 steel primary containments for the pressure
13 suppression containment systems; spent Fuel pools
14 elevated to the top of the reactor building outside
15 and above the rated containment structure without
16 safety-related back-up electric power, Class E1
17 systems to cool high-density storage of thermally hot
18 and highly radioactive nuclear waste in the event of
19 loss of grid power.

20 The Fukushima Daiichi nuclear catastrophe
21 demonstrates the vulnerability of this large volume of
22 nuclear materials outside of any rated containment in
23 the event of a prolonged electrical grid power failure
24 without back-up emergency Alternating Current
25 electrical generators and without the additional

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1 reliable emergency backup of Direct Current battery
2 systems.

3 The subject Mark I units were identified
4 as early as September 22, 1972 by memo from Dr.
5 Stephen Hanauer of US Atomic Energy Commission, to be
6 vulnerable to early failure under severe accident
7 conditions including over-pressurization. Moreover,
8 safety concerns over the substandard Mark I pressure
9 suppression containment system were again affirmed in
10 1986 by Dr. Harold Denton, Director of the Office of
11 Nuclear Reactor Regulation with the US Nuclear
12 Regulatory Commission, when he told a nuclear industry
13 conference that the flawed reactor containment type
14 has as high as 90 percent chance of failure if
15 challenged by a severe accident conditions.

16 This same reactor design has now
17 dramatically failed in Japan to reliably and
18 adequately mitigate and contain significant and
19 mounting radiological releases to the atmosphere,
20 groundwater and the ocean from multiple severe
21 accidents in multiple GE BWR Mark I units at the
22 Fukushima Daiichi nuclear power plant.

23 In order to assure long-term containment
24 integrity, an option to temporarily defeat the
25 containment was provided by NRC to the Mark I

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1 operators by voluntarily installing the hardened
2 wetwell vent system, also known as direct torus vent
3 system, that runs from the torus directly to the plant
4 vent stack without going through charcoal bed
5 radiation filtration system, referred to NRC Generic
6 Letter 89-16. The Petitioners assert that the failure
7 of the Mark I containment even with the hardened vent
8 system at Fukushima Daiichi demonstrates the
9 inadequacy in design to mitigate and contain a severe
10 accident resulting from longer station blackout.

11 In conclusion, the Petitioners state: "Given this
12 tragic demonstration at Fukushima, the rational,
13 reasonable and only relevant protection is remove the
14 Mark I from any set of circumstances that might ever
15 challenge the failed experiment again."

16 With regard to enforcement actions, the
17 Petitioners requested to immediately suspend operating
18 licenses of all GE BWR Mark I Units pending full NRC
19 review with independent expert and public
20 participation from affected emergency planning zone
21 communities.

22 The Petitioners also requested that all GE
23 BWR Mark I operating licenses be suspended until the
24 following emergency enforcement actions are taken.
25 And I'm only listing highlights here.

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1 Conduct public meetings within each of the
2 ten-mile emergency planning zone for each GE BWR site
3 for the purpose of receiving public comment and
4 independent expert testimony regarding the reliability
5 of hardened vent system or direct torus vent system.

6 Immediately revoke prior pre-approval of
7 the hardened vent system or direct torus vent system
8 at each GE BWR Mark I unit under the provisions of 10
9 CFR 50.59.

10 Immediately issue Confirmatory Action
11 Orders to all GE BWR Mark I units to promptly install
12 safety-related backup electrical power, Class E1, and
13 additional backup Direct Current battery system to
14 ensure reliable supply of power for the spent fuel
15 pool cooling system.

16 Now please allow me to discuss the NRC
17 activities to date.

18 On the morning of April 19, 2011, the
19 petition manager contacted the Petitioners by email to
20 discuss the 10 CFR 2.206 process and offered the
21 Petitioners an opportunity to address the PRB by phone
22 or in person. The Petitioners requested to address
23 the PRB in person with an updated petition prior to
24 the PRB's internal meeting to make the initial
25 recommendation to accept or reject the petition for

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1 review.

2 On the afternoon of April 19th, the PRB
3 met internally to discuss the request for immediate
4 action in the petition. On April 24, the Petitioners
5 were informed that the PRB denied the request for
6 immediate action. Based on the information provided
7 in the petition, and the information available through
8 the NRC's ongoing assessment of the Fukushima Daiichi
9 nuclear plant, the Petition Review Board did not
10 identify any immediate safety concerns which would
11 impact the health and safety of the public.
12 Therefore, the PRB denied the request for immediate
13 action.

14 As a reminder for the phone participants,
15 I ask you again to please identify yourself if you
16 make any remarks, as this will help us in the
17 preparation of the meeting transcript that will be
18 made publicly available. Also, please speak loudly,
19 clearly, and directly into your phone or microphone.
20 We have a lot of people on the line and the volume is
21 not the best.

22 Mr. Gunter, I'll now turn it over to you
23 to allow you to provide any additional information you
24 believe the Board should consider as part of this
25 petition. Your presentation concludes in

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1 approximately 30 minutes as you requested and I will
2 allot the Co-petitioners additional time to address
3 the Petition Review Board.

4 I also like to mention that we are unable
5 to allow other Co-petitioners to present because of
6 time constraints, however, we welcome any additional
7 information you can provide in writing for our review.

8 Are there any questions before we proceed?

9 (No response.)

10 MR. GUNTER: Thank you, Mr. Nelson.
11 Again, my name is Paul Gunter. I'm Director of the
12 Reactor Oversight Project for Beyond Nuclear.

13 We want to thank the U.S. Nuclear
14 Regulatory Commission for the opportunity to address
15 the PRB on this unprecedented event. It is now in
16 evidence that there's broad public concern that the
17 Agency should pay attention to.

18 I'd like to start by first of all saying
19 that according to a 2002 Office of Inspector General
20 Report, "The NRC appears to have informally
21 established an unreasonably high burden of requiring
22 absolute proof of a safety problem versus lack of
23 reasonable assurance of maintaining public health and
24 safety before it will act to shut down a power plant."

25 Such is now the case, once again, before the NRC with

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1 the General Electric Mark I Boiling Water Reactor.

2 The Fukushima nuclear accident has
3 reaffirmed many previous warnings from former federal
4 safety regulators and experts like Atomic Energy
5 Commission, the Chief Safety Officer, Dr. Steven
6 Hanauer in 1972; Dr. Harold Denton with NRC in 1986;
7 and even with the nuclear engineers who were
8 intimately involved in the development of the Mark I,
9 namely Dale Bridenbaugh, Gregory Hubbard, and Richard
10 Minor who resigned their prestigious positions from GE
11 in 1976. All of these gentlemen foresaw this accident
12 at Fukushima coming and spoke out early on in the
13 interest of safety.

14 The General Electric Mark I Boiling Water
15 Reactor is not a quality product. It is highly prone
16 to failure during an accident and its further use
17 should be discouraged. Beyond Nuclear submitted an
18 emergency enforcement petition to the NRC on April
19 13th requesting suspension of operations at all U.S.
20 Mark I pending the following specific emergency
21 enforcement actions. The NRC has requested to convene
22 a public meeting in each of the emergency planning
23 zones for each Mark I nuclear power plants to take and
24 transcribe public comment and their independent
25 experts as part of the Agency's March 2011 chartered

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1 review of the implications of the Fukushima Daiichi
2 Nuclear Power Plant accident.

3 Secondly, the NRC is requested to revoke
4 its approval of the installation of the GE Mark I
5 hardened vent system as provided in Generic Letter
6 89-16 in September 1989 under the provisions of 10 CFR
7 50.59 and I stress instead require all GE Mark I
8 operators to submit to the formal license amendment
9 process accorded with full public hearing rights.

10 Third, the NRC is requested to require all
11 owner/operators to retrofit the Mark I spent fuel
12 pools with Class E1 emergency backup power systems
13 including independent AC power generators and DC
14 battery backup up to 72 hours to assure the reliable
15 operation of cooling systems for hundreds of tons of
16 thermally hot and highly radioactive used nuclear fuel
17 stored under water in elevated storage ponds and each
18 of these Mark I in the event of a loss of off-site
19 electrical power.

20 On June 8th, today, 2011, marks the 90th
21 day of the on-going multiple severe nuclear accidents
22 at Japan's Fukushima Daiichi Nuclear Power Plant
23 complex as a result of an extended station blackout,
24 loss of grid power, emergency diesel generators, and
25 depletion of onsite battery backup and multiple loss

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1 of cooling accidents caused by the Great Eastern Japan
2 earthquake and tsunami of March 11, 2011. March 13th,
3 I'm sorry. It is March 11, right.

4 A loss of cooling accident from an
5 extended station blackout can be caused by other
6 events or a combination of events such as the
7 simultaneous occurrence of a catastrophic flooding
8 along the Missouri River, for example, something that
9 Fort Calhoun is experiencing right now, and then
10 simultaneously damage from a super tornado or perhaps
11 something more sinister or deliberate like the
12 vengeful and calculated actions of a determined enemy.

13 Any accident that challenges a substandard and a
14 dangerously flawed Mark I has the same potential
15 consequences and worse.

16 More than 24 miles of the Japanese eastern
17 coastline and 12 miles inland, already devastated by
18 the earthquake and the tsunami, will not be
19 reconstructed or inhabitable for the foreseeable
20 future because of the significant radioactive
21 contamination that continues to escape from the
22 Fukushima Mark I. Significant radioactive
23 contamination is in evidence in area groundwater,
24 soil, vegetation tens of miles away and still being
25 discovered even farther away. Millions of gallons of

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1 radioactive water from the stricken reactors continues
2 to flow into the sea contaminating Japan's key food
3 sources of fish and seaweed. This is but a portion of
4 the mounting evidence of the failed experiments with
5 the Mark I and the deeply-flawed containment system.

6 Beyond Nuclear supplements its April 13,
7 2011 petition to include the following Mark I
8 reactors, Browns Ferry Units 1, 2, 3; Brunswick 1 and
9 2; Cooper 1; Dresden 2 and 3; Duane Arnold 1;
10 Fitzpatrick 1 and 2; Hatch 1 and 2; Hope Creek 1;
11 Monticello 1; Millstone 1; Nine Mile Point 1; Oyster
12 Creek; Peachbottom 2 and 3; Pilgrim; Quad Cities; and
13 Vermont Yankee.

14 Our first requested emergency action is
15 that NRC come into each of these Mark I communities
16 into the emergency planning zones and explain its
17 justification for the continued operation of the Mark
18 I reactors and take testimony from public and their
19 experts for incorporation into the Agency's chartered
20 long-term review of the implications of Fukushima for
21 U.S. reactor operations.

22 The Mark I licensees were initially
23 licensed under the contract and public trust that the
24 reactor operated in a containment system with
25 essentially leaked tight as part of the Agency and

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1 industry's defense-in-depth philosophy. The
2 containment was supposedly designed, constructed and
3 licensed to withstand the associated pressures of a
4 loss-of-coolant accident and a disruptive core
5 explosion to contain radioactive nuclides that might
6 be released in a reactor accident. This assurance
7 allows power plants to be sited close to large
8 population centers. But the dramatic evidence of the
9 four explosions at Fukushima, three full-core
10 meltdowns and the significant radioactive
11 contamination released into the atmosphere, the land,
12 the groundwater, and millions of gallons of
13 radioactive cooling water pouring into the sea clearly
14 represents with reasonable assurance these three Mark
15 I_s have failed.

16 Notification for the construction of a
17 nuclear power plant in the United States must meet a
18 set of General Design Criteria which includes
19 Criterion 16, containment design which requires that
20 "reactor containment and associate systems shall be
21 provided to establish an essentially leak-tight
22 barrier against the uncontrolled release of
23 radioactivity to the environment and to assure that
24 the containment design conditions important to safety
25 are not exceeded for as long as a postulated action

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1 conditions require."

2 The Petitioners are supplementing their
3 April 13th petition asserting that the Mark I system
4 is an unreliable and dangerous containment component.

5 We are submitting the 1976 joint testimony as
6 supplement to our earlier petition of the three GE
7 engineers, Dale Bridenbaugh, Richard Hubbard, and
8 Gregory Minor who publicly resigned from GE before
9 Congress testifying that the Mark I is not a quality
10 product and because integrity of the primary
11 containment which in their view is an absolute
12 requirement for continued operation could no longer be
13 assured.

14 The NRC eventually concurred. However,
15 upon admission that the Mark I is not reliable as
16 contracted to be essentially leak tight, rather than
17 embark upon an actual containment improvement program
18 to seek to strengthen the Mark I to its licensed
19 condition as essentially leak tight, the industry and
20 the Agency instead chose to pursue an experimental fix
21 that now compromises containment to pursue the option
22 for the operators to vent the consequences of a severe
23 accident to the atmosphere in order to save the flawed
24 product from permanent rupture. That experiment is
25 now demonstrated to have failed.

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1 The April 13, 2011 petition first argued
2 that the experimental hardened vent system has failed
3 at Fukushima with significant safety implications to
4 US Mark I_s. On May 17, 2011, The New York Times
5 confirmed that "the emergency vents American officials
6 have said would prevent devastating hydrogen
7 explosions at nuclear power plants in the United
8 States were put to the test in Japan and failed to
9 work according to experts and officials with the
10 company that operates the crippled Fukushima Daiichi
11 Nuclear Power Plant."

12 The failure of the vents called into the
13 question the safety of similar nuclear power plants in
14 the United States and Japan. After the venting failed
15 at Fukushima, the hydrogen gas fueled explosions that
16 spewed radioactive materials into the atmosphere
17 reaching levels about ten percent of the estimated
18 emissions from Chernobyl according to Japanese Nuclear
19 Regulatory Agency. As of June 7th, Japan doubled its
20 estimation to 20 percent of Chernobyl's release.

21 The Petitioners now emphasize the
22 irrationality of the apparent regulatory retreat from
23 the Agency's own and all important defense-in-depth
24 regulatory standard and the unacceptable compromise
25 that has been imposed upon health and safety, the

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1 approval and installation of the experimental venting
2 system that was retrofitted to deliberately, albeit
3 temporarily defeat the weaker, substandard containment
4 of the Mark I through controlled release of an
5 accident in order to save this principal and last
6 barrier system from permanent rupture and uncontrolled
7 releases.

8 The Times story further illuminates that
9 the venting design is the result of conflicting
10 schools of practice within the NRC: those who want
11 containment closed and those who need to have a
12 recognized weaker containment be vented under severe
13 accident scenarios. "It is a very controversial
14 system," an expert is quoted to say in the Times
15 story. "It is alarming that there is no consensus
16 within the NRC over the controversial compromise of
17 the Agency's defense-in-depth philosophy and thus the
18 public health and safety."

19 The lack of regulatory consensus and
20 evidence from Fukushima further warrants the requested
21 suspension of the operation of the Mark I and the
22 requested emergency enforcement actions. The news
23 article concludes that a redesign of the venting
24 system itself might be necessary which brings to
25 second emergency enforcement request. The NRC should

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1 revoke the Mark I experimental hardened vent system as
2 provided under 10 CFR 50.59 and require the operators
3 to submit the license amendment process with full
4 hearing rights by the public.

5 The provisions of 50.59 provide making
6 changes to nuclear power plants without going through
7 the NRC prior approval, review, or the license
8 amendment process and therefore such changes are not
9 subject to public hearings, but only if the change
10 does not result in "more than a minimal increase" in
11 the risk of the occurrence of an accident, malfunction
12 of safety components, or create the possibility of an
13 accident of different types."

14 The NRC is now conducting its chartered
15 review on the implications of the catastrophic
16 Fukushima accident for U.S. reactors which more
17 directly bears upon the 23 Mark I_s and their
18 experimental venting system. We charge that this
19 process itself requires a revocation of these 50.59
20 approvals.

21 We have reviewed the NRC and the industry
22 correspondence in reply to Generic Letter 89-16 which
23 particularly was the NRC guidance for the Mark I
24 hardened vent installation and it revealed the record
25 with a scant, inconsistent and incomplete response

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1 from the operators. Much of the controversial
2 documentation is classified as proprietary by industry
3 and not publicly available. Some inspection findings
4 on the installations are available, others are not.
5 Other inspections found violations, but that's where
6 the public record ends.

7 Oyster Creek in New Jersey, Millstone I in
8 Connecticut, Dresden II and III in Illinois, and
9 Fitzpatrick in New York in their October 18, 1989
10 reply declined to voluntarily install vents. Mark I,
11 like Oyster Creek and Fitzpatrick said that they
12 already had existing vent systems. Oyster Creek
13 eventually installed the upgraded vent, but
14 Fitzpatrick, with its pre-existing vent was approved
15 with "acceptable deviation."

16 The Petitioners now request that NRC
17 publicly disclose the status of each Mark I vent
18 installation by thoroughly reconstituting the public
19 record and the release of proprietary information.

20 In closing, we are submitting our full
21 supplemental comments in writing to the PRB and we
22 further request at this time that the Petition Review
23 Board convene another public meeting per Management
24 Directive 8.11 to receive additional supplemental
25 material and to accommodate the additional community

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1 groups that have submitted their request as
2 Co-petitioners to address the Petition Review Board.

3 I would now like to turn over the
4 remainder of the time to my colleague, Kevin Kamps.

5 MR. KAMPS: Thank you, Paul. My name is
6 Kevin Kamps. I serve as Radioactive Waste Specialist
7 at Beyond Nuclear. And my comments, my supplemental
8 comments will address high-level radioactive waste of
9 GE BWR Mark I.

10 As Robert Alvarez at Institute for Policy
11 Studies said in his May 2011 report entitled "Spent
12 Nuclear Fuel Pools in the United States Reducing the
13 Deadly Risks of Storage", high-level radioactive waste
14 storage pool risks are no longer academic, theoretical
15 or to be neglected or downplayed, that they have said,
16 for decades by the U.S. nuclear power industry, as
17 well as the Nuclear Regulatory Commission. In light
18 of the Fukushima Daiichi nuclear catastrophe, high-
19 level radioactive waste storage pool risks are
20 particularly vulnerable GE BWR Mark I elevated pool
21 are especially concerning.

22 A coalition of scores of grassroots and
23 national environmental organizations have urged NRC
24 for nearly a decade, ever since the 9/11 terrorist
25 attacks to empty GE BWR Mark I pools into hardened on-

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1 site storage. Our repeated appeals and warnings have
2 fallen on deaf ears at NRC. The Agency's slogan is
3 "protecting people and the environment" and it's
4 proposed mission and mandate is to protect public
5 health and safety, the environment, the common defense
6 and security against the potentially catastrophic
7 risks of nuclear power, including high-level
8 radioactive waste pool storage.

9 Ironically, this has even included, this
10 response from NRC has even included NRC opposition to
11 environmental intervention aimed at upgrading high-
12 level radioactive waste safety and security. As the
13 world's single largest GE BWR Mark I, the 1122
14 megawatt electric Fermi II Nuclear Power Plant in
15 Monroe, Michigan, located on the shoreline of the
16 Great Lakes, 20 percent of the world's surface fresh
17 water, drinking water supply for 40 million people in
18 the United States and Canada and numerous Native
19 Americans and First Nation, and life blood of one of
20 the world's single largest regional economies. This
21 opposition by NRC staff to our intervention for safety
22 and security upgrades for high-level radioactive waste
23 storage is but one example of what is at stake.

24 Fermi II's elevated pools hold a little
25 over 500 metric tons of high-level radioactive waste,

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1 several times more than Fukushima Daiichi's Unit 4
2 pool. Another example at Vermont Yankee's pool also
3 contains well over 500 tons of high-level radioactive
4 waste, putting not only Vermont, but also New
5 Hampshire and Massachusetts and additional states and
6 even countries downland or downstream at risk.

7 Incredibly, NRC has allowed Mark I pools
8 to keep their high-level radioactive waste packed to
9 maximum capacity. As Robert Alvarez has reported,
10 several times more densely packed than originally
11 designed. An especially egregious example of this is
12 at the Millstone Unit 1, Mark I in Connecticut.
13 Although permanently closed since the mid-1990s, NRC
14 has allowed this pool to remain packed with high-level
15 radioactive waste, an incredible and entirely
16 unnecessary risk, an accident or attack waiting to
17 happen.

18 Mark I owners and operators seeking to
19 defer dry cast storage costs for as long as possible
20 has been allowed to put us all at incredible risk by
21 keeping their pools packed to the gills.

22 My supplemental written submission which
23 just hit the floor quotes at length Bob Alvarez' new
24 report which clearly shows how these risks -- how big
25 these risks are. In fact, BWR Mark I high-level

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1 radioactive waste storage pools represent some of the
2 single most concentrated motherloads of hazardous
3 radioactivity in the entire United States.

4 For example, Alvarez cites the following
5 Mark I_s as containing more than 200 million curies of
6 radioactivity associated with their adjacent nuclear
7 power plants that is: Millstone Unit 1, the entire
8 site containing 500 million curies; Dresden Units 2
9 and 3, 350 million curies; Browns Ferry Units 1, 2,
10 and 3, 325 million curies; Nine Mile Point 1 and
11 Fitzpatrick 1, 300 million curies; Peachbottom 2 and
12 3, 250 million curies; Hatch 1 and 2, 250 million
13 curies; Hope Creek 1, 250 million curies; Quad Cities
14 1 and 2, 225 million curies.

15 Following close behind, Oyster Creek at
16 125 million curies and Vermont Yankee at 100 million
17 curies. In addition, Fermi II has 90 million; Duane
18 Arnold, 80 million; Cooper, 75 million; Brunswick 1
19 and 2, 75 million; Monticello, 70 million; and
20 Pilgrim, 70 million.

21 My written submission which I will turn
22 into you also includes a lengthy excerpt from a 1996
23 book by David Lochbaum entitled Nuclear Waste Disposal
24 Crisis. Lochbaum, a nuclear engineer with 17 years'
25 experience with Mark I_s and has served at NRC as a

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1 trainer for NRC Mark I and sectors has long served as
2 the director of the Nuclear Safety Project at Union of
3 Concerned Scientists. His 1996 book written 15 years
4 ago shows that Mark I high-level radioactive waste
5 storage pool risks have long been known about and
6 downplayed to our peril. In fact, he cites an
7 alarming number of near-miss accidents that could have
8 led to catastrophic radioactivity releases involving
9 Mark I pools.

10 These risks are made all the worse by Mark
11 I pools elevated design located outside any primary
12 containment structure vulnerable to both accident and
13 attacks. Whether emptied suddenly by a drain down or
14 slowly by a boil off, an uncovering of Mark I cooling
15 water cover which preclude emergency response produced
16 a lethal gamma dose rate due to loss of radioactive
17 shielding provided by the water as has occurred at the
18 Fukushima Daiichi.

19 It could also lead in the matter of hours
20 or days to an exothermic zirconium fire which could
21 release up to 100 percent of the hazardous and
22 volatile radioactive cesium-137 put in the pools.
23 Millions or even tens of millions of curies' worth in
24 the environment due to a lack of primary containment.

25 So what are the potential consequences of

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1 such fires? A 1997 study cited by Alvarez and others
2 reported that 8 to 80 megacuries of cesium-137 could
3 be released from a pool fire into the environment.
4 This would result in 54,000 to 143,000 deaths the
5 report documented and it would result in 2,000 to
6 7,000 square kilometers of agricultural land
7 contaminated. The report also calculated economic
8 costs of \$117 to \$566 billion which has not been
9 adjusted for inflation.

10 A report by the NRC itself, NUREG-1738,
11 dated 2001, also looked at the potential for waste
12 pool fires and calculated that 25,000 people as far as
13 500 miles downwind from a pool fire could die from
14 latent cancer.

15 In conclusion, NRC should require not only
16 emergency backup power on Mark I pools as was laid out
17 earlier, emergency makeup water systems and supplies,
18 as well as water-level gauges, temperature gauges and
19 radiation monitors that would survive and continue to
20 function despite even severe natural disasters and
21 nuclear catastrophes as shown by Fukushima Daiichi as
22 being all too possible.

23 In addition to vital safety and security
24 upgrades at Mark I pools in the U.S., the NRC should
25 require as a matter of homeland security, national

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1 security, and public health, safety, and environmental
2 protection policy of the highest priority, the
3 replacement of unnecessarily and indefensibly risky,
4 high-density storage of high-level radioactive waste
5 in Mark I pools, hardened on-site storage as an
6 interim measure, as has been urged for nearly a decade
7 by almost 200 environmental groups across the U.S.

8 Thank you.

9 CHAIRMAN NELSON: We'll go to the
10 Co-petitioners' presentations at this time.

11 Ms. Lampert, at this time you have
12 approximately ten minutes to address the Petition
13 Review Board as you requested.

14 MS. LAMPERT: Thank you. Mary Lampert of
15 Pilgrim Watch. Thank you for the opportunity.

16 I'm going to start off with a process
17 issue. As you know, Pilgrim Watch, Massachusetts
18 Attorney General filed requests for hearings in
19 Pilgrim's license renewal application, June 1 and June
20 2, respectively, on new and significant information
21 regarding the probability of severe accident
22 containment failures, hydrogen explosions, spent fuel
23 pool failure, fires, and the probability of far
24 greater volume of releases and consequent off-site
25 costs than previously modeled.

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1 These filings highlighted what's before
2 you: the venting systems, spent fuel fires, etcetera.

3
4 It was sent to the PRB and added to the
5 record, so the procedural question is this. Should
6 the PRB hold the 2.206 process in abeyance until the
7 Atomic Safety and Licensing Board issues its opinion?

8 We say no. But that's not what happened when a 2.206
9 on submerged non-environmentally qualified cables was
10 put on hold in early 2011. It was slated to be put up
11 on the Federal Register. It was put on hold because a
12 filing on the issue was filed by Pilgrim Watch and is
13 before the Atomic Safety and Licensing Board at
14 Pilgrim. So you'll be facing the same question.

15 We believe that filing a license renewal
16 contention on the same subject as a 2.206 should not
17 present a conflict or require holding in abeyance
18 2.206. This is for two reasons. First is a very
19 clear distinction between current operating safety
20 issues that occur before a reactor's 40th birthday,
21 their present safety concerns, albeit ones that
22 continue into the future. And on the other hand
23 concern that only address the extended 20-year license
24 renewal period.

25 Second, the second issue of concern is

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1 that we do not believe that under NRC regulation that
2 intervenors in the license renewal process
3 automatically surrender their right to redress on
4 current operating safety issues under the 2.206
5 process. In fact, there is no regulation, simply a
6 Management Directive 8.11 review process for 10 CFR
7 2.206 petition. Because both the LAR adjudication
8 process and the 2.206 process take a considerable
9 period of time, Pilgrim, for example is in its sixth
10 year of adjudication in the license renewal process
11 and clearance type. We ask that both processes be
12 held simultaneously. And I respectfully request we
13 have a PRB teleconference to work this procedural
14 issue out. And we shall submit a written request to
15 that effect.

16 I'll address two issues and, as you know,
17 Pilgrim was the initial experiment in the direct-cause
18 event. And it did not fix as advertised the basic
19 design flaw of the GE Mark I BWR. It did not prevent
20 containment failure. In fact, when it was tried, it
21 failed three times at Unit 1, Unit 2, Unit 3 which is
22 a pretty bad score.

23 In 1990, the NRC Chairman Kenneth Carr
24 acknowledged one of the DTV's limits. He said that
25 during some anticipated transient without scram event

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1 the pressure in the containment will rapidly increase.

2 Venting pressure could be reached in a matter of
3 minutes rather than hours. Therefore, venting may not
4 prevent containment failure because of the high
5 containment pressurization rate, but would provide
6 additional time to scram the reactor and delay --
7 delay, not prevent core melt.

8 In March 2011, obviously, we had the first
9 real test and failure of the DTV. And we learned
10 three things. Properly trained operators in Japan
11 decided not to open the DTV when they should have
12 because they feared the effects offsite on significant
13 unfiltered releases.

14 Second, when the operators finally decided
15 to open the DTV, they were unable to do so because of
16 power loss initially and then subsequent heavy
17 radiation to operate them manually. The failure of
18 the DTV to vent led to containment failure explosions
19 that resulted in significant off-site consequences.

20 Now how will this apply here? First,
21 let's get properly trained operators not opening the
22 DTV. This goes to the fact that Pilgrim's and other
23 vents here to save a buck on filters. We always
24 thought it was an unnecessary, unfair, poisoning of
25 neighborhoods in order to save containment, but it was

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1 looked at as sort of a balance. However, it is seen
2 to have unintended consequences because the operators
3 are reluctant to open the vent because they recognize
4 the contamination that will go out and therefore will
5 wait and wait and wait until too long.

6 There is really no economic basis for the
7 status quo, to leave unfiltered vents in place. It is
8 not the practice in Europe. Entergy estimated that
9 adding a filtered vent at Pilgrim in their license
10 renewal application would cost \$3 million. Houses in
11 my neighborhood sell for more than that. Wayne
12 Leonard, CEO of Entergy, earned over \$27 million in
13 compensation in one year 2010. Personally, I think he
14 could live on \$24 million a year.

15 So number one, the vent has to be
16 filtered. Number two, we learned in Japan when the
17 operators finally decided to open the vent, they
18 weren't able to do so. This would happen, I know for
19 sure, at Pilgrim because to open the first two valves
20 requires power from a battery. If that is -- also
21 Pilgrim's control room has two key lock switches in a
22 series that have to be opened manually when the need
23 to use the DTV occurs. All these steps can go awry
24 just as they went awry in Fukushima.

25 What we need, obviously, a passive system.

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1 This was recommended years ago out in Minnesota at
2 Monticello to put in a rupture disk, properly set to
3 release at the time needed, followed by valves that
4 have ample redundancy to close once the situation is
5 brought under control, to put the genie back in the
6 bottle so to speak. This is doable. It is a design
7 issue. It is not a design block.

8 Third, the failure of the DTV to vent led
9 to containment failure explosions at Fukushima as we
10 would find in the same weak containment structures we
11 have and highly significant ongoing off-site
12 consequences far in excess and currently modeled and
13 assumed by NRC and industry in the event of
14 containment failure.

15 Japan has shown that industry and NRC
16 assumptions of the probability of off-site
17 consequences are wrong. We expect that Entergy and
18 the rest of the licensees will continue to fight
19 having a filter, putting in reasonable fixes, relying
20 on incorrect assumptions that the suppression pool
21 will scrub out retain particulates and volatile
22 fission products and other particulates will be plated
23 out. This hopeful assumption is simply wrong.

24 CHAIRMAN NELSON: Ms. Lampert?

25 MS. LAMPERT: Yes.

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1 CHAIRMAN NELSON: I'm going to ask you to
2 bring to a closure your comments, please.

3 MS. LAMPERT: I'm going to do that. Thank
4 you.

5 Dr. Von Hippel explained this. NRC knew
6 this, which is in our filing. In summary, the design
7 team of the Mark I failure and what we need is to go
8 forward with a fixed DTV, spent fuel required to be in
9 dry cask. Thank you very much for this opportunity.

10 CHAIRMAN NELSON: Thank you, Ms. Lampert.

11 Mr. Shadis, at this time you have 10 to 15
12 minutes to address the Board as you requested.

13 MR. SHADIS: Thank you. And thanks for
14 the opportunity to address the Board. This is Raymond
15 Shadis speaking for New England Coalition and I would
16 like to preface with the caveat that my remarks are
17 intended to represent New England Coalition's views
18 only and I hope that if they are in any way
19 contradictory or in any way discount any remarks by
20 previous presenters that the PRB won't use that. Let
21 the remarks that have been made please stand.

22 From our point of view the 2.206 is not
23 asking that NRC change any of its regulations. What
24 we are asking for is for NRC to enforce its
25 regulations. Mr. Gunter brought up the design

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1 criterion, GDC 16 for containment design. What we are
2 asking is that regulation, that design criterion be
3 enforced and without any accommodation or editing in
4 order to make it more palatable to the industry. The
5 containment must be designed to contain and it is just
6 strikingly unfair to propose to the public that it
7 will contain except in certain circumstances.

8 With respect to the Mark I containment,
9 NRC has -- and this is what is apparent to us
10 observing over time -- that what NRC has done is to
11 adjust their regulations, adjust their enforcement,
12 adjust their inspections to accommodate all of the
13 various weaknesses in the Mark I containment design
14 system. And at the same time, because NRC has an
15 ambition to preserving the operation of these reactors
16 and to making it more profitable, they have allowed in
17 the extended power uprate process, they have allowed
18 plant operators to take credit for containment
19 overpressure in order to maintain suction on the pump.

20 I don't know, but it could very well be
21 that the hesitation on the part of the Japanese
22 reactor operators was just that, that they had gotten
23 to a point where temperatures were such that they were
24 afraid they were lose suction on their pumps and
25 therefore were maintaining containment pressure rather

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1 than venting. I don't know. But it is certainly a
2 predicament that NRC allowed reactor operators to be
3 placed in. It adds to the complexity of working with
4 this very intricate, active containment system. And I
5 guess that's the key because its very weakness is its
6 sophistication. Its very weakness is its complexity
7 and it does require operator attention at the highest
8 level and therein a failing.

9 I would like to just briefly address one
10 part of that and that is that the Mark I containment
11 system requires power throughout the accident sequence
12 in order to be properly operated in order to function
13 and it appears that at Fukushima power was lost to the
14 various containment systems and accident mitigation
15 system components not simply because of the earthquake
16 and not simply because of the dislocation of the
17 diesel emergency generators following the tsunami, but
18 more likely because of the interruption of circuitry
19 and power distribution within the plant due to
20 flooding.

21 When you look at this, I would point the
22 PRB to the many news articles about the workers who
23 were contaminated when their boots were overtopped.
24 These guys were working in the turbine hall in the
25 sub-basement of the turbine hall. Doing what? They

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1 were stringing new electrical cables into a pump and
2 that pump to be used for an attempt to recover that
3 particular reactor unit.

4 So you know, obviously, the cable was not
5 a victim of some common mode failure. It was
6 functioning after the earthquake because they were
7 still operating those pumps after the earthquake.
8 However, the pumps were not functioning when power was
9 restored to the site because power distribution
10 somewhere along the line had failed.

11 This is particularly relevant to Vermont
12 Yankee because the question, the whole question of the
13 susceptibility of non-qualified, safety-related
14 electrical cable to wetness, to flooding, submergence,
15 was an issue that we raised in the license renewal
16 proceedings. It's an issue that the Atomic Safety and
17 Licensing Board and the Commission itself decided to
18 ignore. It's a condition that was allowed. It was
19 written in to their rewrite on the GALL Report and
20 even though NRC staff opined that it might not take
21 care of aging issues, companies were allowed to leave
22 nonqualified cables in areas where they could get wet,
23 but do no more than to inspect every six months and
24 test every several years.

25 This is a wholly limp-wristed, inadequate

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1 response to what is a design flaw. The design
2 criteria state that every component must be able to
3 withstand the environments in which it is expected to
4 operate, but this is not the case. And it's
5 particularly egregious when you're considering this
6 2.206 petition, I would ask you to reflect back on the
7 situation of March 10th and 11th. March 10th was an
8 affirmation session in which the NRC Commission then
9 gave the nod to the staff to issue Vermont Yankee's
10 license renewal even with this cable issue
11 outstanding.

12 The next day was the Fukushima incident
13 and then -- and then, the Commission went ahead, based
14 on nothing but hot air, to say that they were
15 confident that the plants in the U.S. were safe and in
16 compliance and therefore they went ahead and issued
17 the renewed license to Vermont Yankee, not taking
18 Fukushima into consideration, but absolutely ignoring
19 it. And I'm hoping that when you review these things
20 you won't do that.

21 If I may, just a couple of words about the
22 fragility of the elevated spent-fuel pool at Vermont
23 Yankee. In NUREG 1738, attachment 3, I believe it is,
24 the NRC's consultant, seismic consultant, Dr. Robert
25 Kennedy, points back to NUREG CR 5176 which is a

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1 seismic analysis on spent-fuel pool at two
2 representative plants, one of them being Vermont
3 Yankee. And he says for Vermont Yankee, Reference 1
4 being the cited NUREG, states that "critical failure
5 modes for gross structural failure of the pool is out
6 of plain shear failure of pool floor slab. With this
7 failure mode, the liner will be breached and a large
8 crack will develop through the concrete floor slab
9 within a distance equal to the floor slab thickness
10 from the pool walls. Possibly," he says, "possibly,
11 the entire floor will drop out, but I think that such
12 a gross failure is unlikely." There's no
13 quantification there for what unlikely means.

14 However, all of the jerry-rigged backfit
15 gizmos to spray water into the spent-fuel pool would
16 not mean very much if the bottom were to fall out. In
17 2008, Vermont Yankee had a crane brake failure with a
18 loaded cask. The crane had been tested only to 80
19 percent of its anticipated load. I don't know why it
20 wasn't tested to 120 percent. It was tested with an
21 empty cask. And then some 30 plus tons were added.
22 And it failed. The brakes failed on the cask. A few
23 days later, a licensee event report, amended event
24 report was issued in which the company admitted that
25 the travel stops that were intended to prevent

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1 swinging the cask over the spent-fuel pool had not
2 been put in place.

3 I think the specter of a filled, concrete,
4 dry storage cask plummeting through the bottom of the
5 spent-fuel pool would be enough to make any review
6 committee wonder about the effectiveness of providing
7 some fire hose in case of a drain down. Certainly,
8 the line of sight radiation level would be
9 extraordinary. One could not count on the shielding
10 of the wall if there were a fracture, a drop out of
11 the bottom of the spent-fuel pool. The fuel would be
12 in a heap on the ground under the building.

13 Additionally, NRC very piously went to the
14 plant and looked to see if they had hoses and stuff in
15 place, but they didn't consider the possibility that a
16 small hydrogen explosion or even an aircraft impact --
17 by the way, the Mark I secondary containment says
18 NUREG 1738 would provide no substantial barrier to
19 aircraft penetration.

20 CHAIRMAN NELSON: Mr. Shadis --

21 MR. SHADIS: I'm finishing right now, sir,
22 if I may.

23 CHAIRMAN NELSON: Thank you, sir.

24 MR. SHADIS: In that instance, what NRC
25 does not consider, and they didn't consider when we

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1 worked on 1738 either is the draping of the metal
2 roof, collapsed metal roof over the spent-fuel pool
3 preventing the addition of any water from fire hoses
4 or cans.

5 I guess in sum, this is a real can of
6 worms that Fukushima has opened up with respect to the
7 Mark I and NRC efforts so far to assess the
8 vulnerability have been pathetically limited. And I
9 hope that you will take this petition to heart and do
10 more. Thank you.

11 CHAIRMAN NELSON: Thank you for your
12 comments, Mr. Shadis.

13 Ms. Birnie, at this time you have
14 approximately five minutes to address the Board as you
15 requested.

16 Ms. Birnie? Ms. Birnie, you're going to
17 need to speak up. We can barely hear you.

18 MS. BIRNIE: Thank you.

19 CHAIRMAN NELSON: Please get closer to
20 your phone.

21 MS. BIRNIE: I'll try. The on-going
22 Japanese nuclear catastrophe has broadened and
23 intensified the public's awareness of the risks and
24 dangers of nuclear power. I urge you to consider the
25 following request related to the Beyond Nuclear

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1 petition submitted to the Nuclear Regulatory
2 Commission on April 13, 2011.

3 I hope you will suspend the operating
4 licenses of the GE Mark I reactors that are currently
5 operating in the United States. I believe you should
6 protect the public from uncontrolled releases of
7 highly dangerous radioactive emissions that may be
8 caused by long-recognized Mark I design flaws as well
9 as by potential accidents otherwise.

10 I believe it is essential that the NRC
11 stop allowing Mark I reactors to continue stockpiling
12 additional irradiated fuel rods in their used fuel
13 pools. The lack or failure of backup power essential
14 for cooling the fuel has been undeniably and
15 tragically demonstrated at the Fukushima Daiichi
16 reactors in Japan. The fuel rods should be stored in
17 reinforced concrete casks.

18 I urge you to study and implement changes
19 suggested in the May 24, 2011 report issued by Robert
20 Alvarez of the Institute for Policy Studies. Mr.
21 Alvarez advocates that essential safety measures be
22 implemented to address the dangerously over-crowded
23 fuel pools at all Mark I reactors where the irradiated
24 fuel rods have been reracked and as other reactors
25 where the fuel pool has similarly been reracked beyond

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1 its design capacity.

2 I find it unconscionable that the NRC has
3 authorized 20-year license extensions for 17 of the
4 Mark I reactors. One extension was even issued as
5 recently as March 21, 2011, namely the Vermont Yankee
6 reactor only 10 days after the Fukushima Daiichi
7 disaster began. You even allowed the Vermont Yankee
8 licensee to increase the 39-year-old's reactor power
9 output by 20 percent. I believe that all Mark I
10 operating licenses should be suspended until further
11 analyses of the Japanese crises are completed and
12 lessons learned are implemented.

13 And finally, I urge that the makeup of the
14 NRC be modified to include at least one physician as
15 part of the NRC Commissioners to help give the public
16 more confidence in your vital work to protect public
17 health and safety. Thank you.

18 CHAIRMAN NELSON: Thank you, Ms. Birnie,
19 for your comments.

20 Mr. Kraft, at this time, you also have
21 approximately five minutes to address this Board.

22 MR. KRAFT: Thank you, Chairman Nelson. I
23 want to make sure, can you hear me?

24 CHAIRMAN NELSON: Yes, sir. Very clearly.

25 MR. KRAFT: Okay, very good. My name is

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1 Dave Kraft, Director of Nuclear Energy Information
2 Service. We're a 30-year-old safe energy organization
3 in Illinois.

4 I point out to this group that Illinois is
5 the most nuclear-reliant state in the United States.
6 We have 11 operating reactors and 3 closed reactors.
7 We also possess within our borders the largest
8 standing amount of high-level radioactive waste of any
9 state in the country. These reasons alone are
10 compelling enough to urge us to urge you to accept the
11 contentions in this petition.

12 In light of the explosions, fires, and the
13 now-confirmed meltdowns at the three Fukushima
14 reactors, we express grave concerns about the safety
15 of the continued operation of four BWRs at Dresden and
16 Quad Cities listed in the petition. These four
17 Illinois reactors are slightly older and of the same
18 design type and vintage of those destroyed at
19 Fukushima.

20 I'd like to point out four unique concerns
21 that we have in Illinois that we believe this petition
22 addresses and that we ask the NRC to take under
23 consideration. The first deals with existing
24 uncertainties involving verifiable safety of the
25 reactors and that this demands greater caution be

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1 exercised.

2 First, the NRC has not done the proper
3 level of safety analysis in previously granted
4 pre-approval of the installation of the Mark I
5 containment, the hardened vent system which was
6 mentioned by Mr. Gunter earlier. We believe the NRC
7 should require that GE Mark I Boiling Water Reactor
8 operators submit to the formal license amendment
9 process according with full public hearing rights.

10 The second point we want to make on this
11 issue is that the lessons learned from Fukushima have
12 yet to be identified, let alone made actionable and
13 this is, in part, due to the sluggish, sometimes
14 withholding and deceptive nature of the information
15 flow coming from TEPCO, the Japanese government and
16 the IAEA. Given what is not known or currently
17 verifiable in terms of this international nuclear
18 disaster, the precautionary principle argues for
19 caution and it would seem that the German government
20 which represents the fourth largest economy in the
21 world has reached this conclusion and insisted on the
22 closure of its reactors pending thorough inspection.
23 We would expect the same kind of consideration be
24 given in the United States.

25 The third point we'd like to make is that

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1 when Southwest Airlines learned of fuselage cracks and
2 skin peeling in its fleet of 737 jets this past year,
3 it grounded the jets pending complete reinspection and
4 in many cases repairs. The NRC's current approach to
5 allow reactors of Mark I containment to continue
6 operating post-Fukushima would be akin to Southwest
7 Airlines allowing its jets to continue flying until
8 one crashed before taking action to verify safety.
9 This attitude is reprehensible and unacceptable.

10 The second unique Illinois consideration
11 would be that of precipitating events. While Illinois
12 may not be subjected to tsunamis any time soon, we do
13 have several unique precipitators for potentially
14 catastrophic events that Japan lacks. The first is
15 O'Hare Field. This is the second busiest airport in
16 the world. It's situated outside of Chicago and we
17 have calculated that normal flight time between O'Hare
18 and the two Dresden reactors is 9 minutes and to the
19 Quad Cities, 28 minutes.

20 An accidental or intentional airline crash
21 into the currently unprotected spent-fuel pool areas
22 of these reactors has the potential to sever cooling
23 water piping or institute other dangerous disruptive
24 events at reactors which would be similar to a tsunami
25 or an earthquake in Japan.

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1 The second unique consideration is NRC's
2 robotic response after the 9/11 incident to ensure
3 that airline crashes into reactors and spent-fuel
4 pools -- the reaction we saw inspired zero confidence
5 in the Agency that it takes this possibility
6 seriously. With 11 operating reactors in Illinois, we
7 here cannot afford this level of indifference and
8 negligence and we hope that this petition will correct
9 the enormous deficit in NRC imagination.

10 The third consideration, all Illinois
11 reactors are operating on river flood plains and the
12 current situation in Missouri and Nebraska speaks
13 volumes as to what this means in terms of flooding.
14 We would point out that moving forward in time in an
15 impending global warming and planet disruptive world,
16 this has to be taken seriously.

17 Climate models for Illinois predict
18 greater amounts of precipitation, but also of a more
19 violent nature and of intense -- a greater intensity,
20 although less frequent. So this would mean you would
21 have a potential for flooding to have an effect in an
22 Illinois reactor.

23 A third area of consideration is that the
24 Mark I spent-fuel pools are sited in a dangerous,
25 potentially, catastrophic manner. The Fukushima

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1 disaster has exposed the unique vulnerability of the
2 Mark I design that the spent-fuel pools are located
3 outside of sufficiently protective reactor containment
4 and are sited five stories above ground. Neither the
5 NRC nor the U.S. Congress can repeal the law of
6 gravity. Breakage or blockage of cooling water piping
7 will result in cooling water interruption or draining
8 of the reactor spent-fuel pool opens up the
9 possibility of recreating Fukushima in the United
10 States.

11 Permitting the continued operation of
12 these reactors without correcting these design defects
13 is tantamount to criminal negligence after seeing what
14 has already occurred in Japan.

15 And the final unique Illinois situation
16 would be the potential damages to Illinois. We would
17 point out that Illinois is a prime agriculture state.

18 A nuclear accident of any kind here in Illinois opens
19 up the possibility of our state becoming the Belarus
20 or Japan of the United States. The potential economic
21 loss to agriculture here would be devastating as we
22 have seen after the Chernobyl and now the Fukushima
23 nuclear disasters. Where nations have imposed
24 embargoes on agricultural products coming from these
25 nations as a result of the meltdown.

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1 For these reasons and those that you have
2 heard previously, we request that the NRC accept the
3 contentions of the petition and order the closure of
4 the US BWR using the GE Mark I containment until such
5 time as the requested investigation can be completed
6 and a satisfactory safety result is independently
7 verified.

8 We would conclude by pointing out that
9 whatever has already happened must therefore be
10 possible. Fukushima is hard data that the NRC cannot
11 responsibly ignore. So we thank you for your
12 consideration in listening to these remarks and we
13 would welcome any questions or discussion you might
14 have. Thank you.

15 CHAIRMAN NELSON: Thank you, Mr. Kraft.
16 That concludes the presentations for the Petitioners
17 and the Co-petitioners. At this time staff in
18 headquarters have any questions for Mr. Gunter, Mr.
19 Kamps, Ms. Lampert, Mr. Shadis, Ms. Bernie, or Mr.
20 Kraft?

21 MR. GOEL: This is Vijay Goel. I have a
22 question --

23 PARTICIPANT: Can't hear.

24 CHAIRMAN NELSON: Much louder, please.

25 MR. GOEL: This is Vijay Goel from

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1 Electrical Engineering Branch from NRC. I have a
2 question for Mr. Gunter. I think you mentioned that
3 the Mark I unit needs to have a safety-installed
4 backup for loss of off-site power. I want to know
5 where did you get this information that they don't
6 have backup power when there is loss of off-site
7 power.

8 MR. GUNTER: This is for the fuel pool?

9 MR. GOEL: Yes.

10 MR. GUNTER: Well, what we have seen
11 typically is that the -- when there is a loss of off-
12 site power that the fuel pool temperatures begin to
13 rise. So we are concerned that loss of off-site power
14 represents -- we also understand that when the -- when
15 there is a loss of off-site power that the -- that
16 there is a load shed to the spent-fuel pool cooling
17 system.

18 MR. GOEL: Yes.

19 MR. GUNTER: Is that correct?

20 MR. GOEL: That's true

21 MR. GUNTER: Well, the question is not
22 about immediacy. The concern is about prolonged
23 station blackout. So the power shed during a loss of
24 off-site power to the spent-fuel pool is a concern.

25 Now as I understand it right now the

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1 mitigation is that you will make up water to the pool,
2 that you will simply let the water boil off and then
3 reconstitute the water levels in the pools as they
4 boil off.

5 Some of the supplemental information that
6 we want to get to you and we would also like you to
7 give us --

8 CHAIRMAN NELSON: I'm sorry to interrupt.
9 Was your question answered?

10 MR. GOEL: No.

11 MR. GUNTER: Restate the question, please.

12 MR. GOEL: My question is where did you
13 get the information that they don't have backup power?

14 MR. GUNTER: We have seen again, we've
15 seen that the load shed during a loss of off-site
16 power -- I'd have to provide you with the
17 documentation. It's our understanding that there is a
18 load shed to the spent-fuel pool in a loss of
19 off-site power and the mitigation that you're using
20 right now is to reconstitute the water levels in the
21 pool.

22 MR. GOEL: That's not correct.

23 CHAIRMAN NELSON: Okay, I don't want an
24 argument. The question has been asked and answered.

25 Any other questions from the staff?

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1 MR. MANOLY: This is Kamal Manoly. One of
2 the Petitioners mentioned the report of Dr. Robert
3 Kennedy on the fragility of the fuel pool. Can you
4 give me the report number, please?

5 MR. SHADIS: Yes, this is Raymond Shadis.
6 That was -- I quoted that. It is NUREG 1738, spent
7 fuel pool accident risk at decommissioning nuclear
8 power stations. And it was attachment 3 by Robert P.
9 Kennedy.

10 MR. MANOLY: Thank you.

11 MR. SHADIS: You're welcome.

12 CHAIRMAN NELSON: Thank you, Mr. Shadis.
13 Any other questions from the staff at headquarters?

14 (No response.)

15 Regions? Region 1?

16 MR. CLIFFORD: Nothing from Region I.

17 CHAIRMAN NELSON: Region II, do you have
18 any questions?

19 MR. CHRISTENSEN: No questions from Region
20 II.

21 CHAIRMAN NELSON: Region III.

22 MR. HILLS: No questions from Region III.

23 CHAIRMAN NELSON: Region IV?

24 MR. FARNHOLTZ: No questions from Region
25 IV.

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1 CHAIRMAN NELSON: Do licensees either
2 present in the room or on the line have any questions
3 for the Petitioners or Co-petitioners?

4 (No response.)

5 I'm hearing no questions from the
6 licensees, so we'll proceed.

7 MR. SHADIS: Mr. Chairman, this is Ray
8 Shadis.

9 CHAIRMAN NELSON: Yes, sir.

10 MR. SHADIS: A housekeeping detail. If I
11 may, you invited those persons who did not get to
12 present to provide written presentation. Is it
13 possible for NRC to establish a site for that on their
14 home page?

15 CHAIRMAN NELSON: I prefer that you send
16 them to our Petition Manager, Siva Lingam, please.

17 MR. SHADIS: All right. Thank you.

18 MS. LAMPERT: Will they be circulated?
19 Mary Lampert.

20 MS. MENSAH: This is Tanya Mensah for the
21 NRC. I'm the Petition Review Board Coordinator. Any
22 information that's provided as a supplement, either
23 during this call or in writing will be made publicly
24 available in ADAMS and it will be provided to all the
25 Petition Review Board members to consider before we

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1 make the initial recommendation.

2 CHAIRMAN NELSON: All right, is there any
3 -- that's a nice segue for my next question. Are
4 there any questions from anyone regarding the 2.206
5 process?

6 MR. GUNTER: This is Paul Gunter. So I
7 understand that Management Directive 8.11 does provide
8 us an opportunity to request an additional PRB meeting
9 and we've entered that request into the transcript. I
10 would like to just clarify that our request satisfies
11 establishing that second meeting?

12 MS. MENSAH: Yes, that's given to every
13 Petitioner. So after Siva Lingam informs the
14 Petitioners of the additional recommendations then
15 you'll be offered that opportunity. What I'm hearing
16 is you want that opportunity, so they will just have
17 to coordinate the date and time.

18 MR. GUNTER: Thank you. And at that
19 meeting that we as the Petitioner may defer our time
20 to the additional Co-petitioners who have requested to
21 speak, but have not been given that time at this
22 meeting?

23 MS. MENSAH: If that's your choice. Based
24 upon you providing us with additional information that
25 you want the Board to consider before we make the

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1 final. If you want to defer your time to other --

2 MR. GUNTER: Co-petitioners.

3 MS. MENSAH: -- speakers or
4 Co-petitioners, that's your choice. You would just
5 need to coordinate, communicate that with Siva Lingam.

6 MR. GUNTER: Let me clarify. Are you
7 saying that we can defer our time to other speakers,
8 not Co-petitioners?

9 MS. MENSAH: Well, if they're not
10 Co-petitioners, we consider them members of the
11 public. And of course with the Management Directive
12 only members of the public can observe the meeting or
13 ask questions on the 2.206 process. If they're
14 Co-Petitioners, as you can see what we've done today
15 with the other Co-petitioners.

16 MR. GUNTER: To the petition itself.

17 MS. MENSAH: To the petition.

18 MR. GUNTER: Right. Okay, so in order to
19 speak to the petition, a member of the public has to
20 be a Co-petitioner to that petition?

21 MS. MENSAH: Right.

22 MR. GUNTER: Thank you.

23 CHAIRMAN NELSON: Are there any other
24 questions regarding the 2.206 process?

25 MR. KAMPS: This is Kevin Kamps. I just

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1 wonder if the Petition Review Board or any sub-agency
2 of NRC has a record of the results of previous 2.206
3 proceedings, so for example, has the Agency ever taken
4 action in response to a 2.206 petition or have they
5 all been rejected in the end?

6 MS. MENSAH: Well, the public website
7 contains a listing of all of the petitions that have
8 been accepted for review at this time. I can provide
9 the link to Siva and he can send that out if you want
10 to see that. But it's not -- just to clarify, it's
11 not a proceeding. It's the usual 2.206 process, not a
12 hearing process. That information is on the public
13 website.

14 MR. KAMPS: I would like to see that.

15 CHAIRMAN NELSON: Are there any other
16 questions?

17 MS. GOTSCH: Yes, this is Paula Gotsch for
18 Grandmothers, Mothers and More for Energy Safety. Why
19 is it that the process is you take the information,
20 you mull it over, and then you make a decision which
21 you then tell us about later?

22 In the process, why can't we be involved
23 as you're making the decision? It feels like you're
24 really kind of like taking this attitude that you're
25 like sacred or something that we shouldn't be involved

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1 while the great deliberations are going on. Great
2 deliberations affect us all and we would love see your
3 process and hear what you all are saying and why you
4 come to the conclusions that you do.

5 CHAIRMAN NELSON: Yes, ma'am. I'd like to
6 address that. First of all, we will have another
7 meeting. We will prior to that meeting make a
8 preliminary determination. That will be communicated
9 to the Petitioners at which time you can provide
10 additional information supporting your position. We
11 will then take all of that information under
12 advisement.

13 We have to have a process to review that
14 information. We do that. We prepare a draft
15 Director's decision if the petition is accepted. That
16 draft Director's decision has our full rationale for
17 any of the conclusions that we reach, that's provided
18 to the Petitioners, to the licensees for public
19 comment. Those comments are then taken, reviewed and
20 a final determination is made.

21 So there are numerous opportunities for
22 you to be involved, for members to be involved with
23 the process we're undertaking.

24 Are there any other questions on the
25 process?

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1 MR. GUNTER: I just have one additional
2 question with regard to the timing of the preliminary
3 determination. Can you give us the time frame that
4 you operate under for providing that preliminary
5 determination and then -- I understand that you look
6 to make a final determination within 100 days, 120
7 days. Is that correct? So can you give us an idea of
8 the actual time frame that you proceed under?

9 MS. MENSAH: If the petition is accepted
10 for review, you will receive an acknowledgement letter
11 back from us that says from issuance of the date of
12 that letter there are 120 days to issue what we call
13 our proposed Director's decision and that's when you
14 have the opportunity to comment in writing. Prior to
15 that, the phase we're in right now is to try to decide
16 if it meets the criteria for review or not. And that
17 means we consider all the information that you
18 present, supplemental, as well as any information that
19 you later present in additional meetings with us.

20 Based on however long it takes us to get
21 to that process, we generally try to meet within a
22 week to make our initial recommendation from having
23 any teleconferences or public meetings with the
24 Petitioner. I can't commit to say that that will
25 happen in this case based on the volume of information

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1 that the technical leads and the advisors have to
2 receive, but Siva, as your point of contact, will
3 certainly keep you advised, and if you have any
4 questions, you can call him as well to ask him about
5 the status.

6 MS. WARREN: Hello?

7 CHAIRMAN NELSON: Yes, we're here.

8 MS. WARREN: This is Barbara Warren. I'm
9 in New York. I'd like to ask about the regional
10 meetings. When might you make a decision on holding
11 regional meetings?

12 MS. MENSAH: That request as submitted in
13 the petition request has to be considered by the
14 Board. That will be conveyed back to the Petitioners
15 along with the initial recommendation.

16 MS. WARREN: So you haven't made a
17 decision with it, to hold regional meetings or not?

18 PARTICIPANT: That means don't hold your
19 breath.

20 MS. WARREN: You know, I just want to say
21 that we have significant issues just with the plants
22 that are in New York.

23 CHAIRMAN NELSON: I understand that,
24 ma'am.

25 The comment that was made "don't hold your

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1 breath", we're not going to sit on our hands and delay
2 this process. A lot of information that's been
3 presented here needs to be reviewed by a number of
4 staff members. That is going to take some time. And
5 we're not going to hastily go through that.

6 We need to give the information due
7 diligence and time to review and we're going to do
8 that. We're not going to delay and we'll provide an
9 answer as soon as we can. And I believe Tanya has
10 described the process and any time you have a question
11 regarding where we are in that process, you can call
12 the Petition Manager, Mr. Lingam.

13 MS. WARREN: Okay, and is there an
14 opportunity for other people to put in comments on
15 this petition for the public to add to that?

16 MR. LINGAM: This is Siva Lingam, the
17 Petition Manager. You are welcome to send any
18 supplemental information by email to me. We will make
19 sure it has been reviewed by the Petition Review
20 Board.

21 MS. WARREN: I understand it's a very
22 difficult process given the enormity of the disaster
23 in Japan, but that is more weight to the seriousness
24 of what we're dealing with here and so we're very
25 anxious to have a proper decision on this matter.

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1 CHAIRMAN NELSON: We understand that,
2 ma'am.

3 MR. KEHLER: This is Randy Kehler with
4 Safe and Green Campaign for Vermont Yankee. I simply
5 want to ask is this process you've just described
6 considered an expedited process due to the fact that
7 this is a request for urgency enforcement? Do you
8 consider this an emergency?

9 CHAIRMAN NELSON: I believe we've already
10 addressed the immediate nature of the request and that
11 was discussed earlier in the discussion regarding the
12 status of the petition.

13 MR. KEHLER: My question is what is this
14 expedited process that you have described?

15 CHAIRMAN NELSON: We do not have at this
16 stage an expedited process. We'll proceed as fast as
17 we can, given the volume of information that we have
18 and the amount of information that we need to review.

19 MR. KEHLER: I understand that and I
20 appreciate that. I'm just asking whether under the
21 circumstances is this the normal process that you
22 would go through with due diligence or is this somehow
23 an expedited process?

24 CHAIRMAN NELSON: We do not have an
25 expedited process.

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1 MR. KEHLER: Okay, thank you.

2 MS. GOTSCH: This is Paula Gotsch again,
3 Grandmothers, Mothers and More for Nuclear Safety. I
4 just have to say issues raised by the speakers today
5 --

6 CHAIRMAN NELSON: Excuse me, ma'am --

7 MS. GOTSCH: -- seem so glaringly obvious
8 that there are really bad problems here. The fact
9 that you're making it sound like oh, this is
10 information that we have to look at carefully. Why
11 aren't you saying what we're saying? Why haven't you
12 looked at it carefully? It makes me have no
13 confidence in you.

14 If you were to say hey, yeah, we know
15 this, that might make me a little more confident. But
16 it's so grossly obvious to the village idiot down the
17 street that there are terrible problems here and the
18 fact that you now have to weigh these things that
19 you've been told is just very crass. Thank you.

20 CHAIRMAN NELSON: Thank you for your
21 comments. We're going to close the meeting at this
22 point. Mr. Gunter, Mr. Kamps, Ms. Lampert, Mr.
23 Shadis, Ms. Bernie, Mr. Kraft and all those who have
24 spoken today thank you very much for your time to
25 provide the NRC staff with clarifying information on

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1 the petition you've submitted. Thank you all rest of
2 the co-petitioners.

3 PARTICIPANT: Nuclear Fuel Services,
4 Erwin, Tennessee, they've been contaminating for 54
5 years. They're killing an entire town and nobody
6 wants to talk about it.

7 CHAIRMAN NELSON: Before we close, does
8 the court reporter need any additional information for
9 the meeting transcript?

10 COURT REPORTER: Just the information that
11 we already talked about.

12 CHAIRMAN NELSON: With that, the meeting
13 is concluded. We'll be terminating the telephone
14 connections.

15 (Whereupon, at 4:17 p.m., the meeting was
16 concluded.)

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