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Title: 10 CFR 2.206 Petition Review Board

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL

6 RE

7 ENTERGY

8 + + + + +

9 THURSDAY

10 AUGUST 4, 2011

11 + + + + +

12 The conference call was held via
13 teleconference at 2:00 p.m. Eastern Daylight Time, Joe
14 Giitter, Chairman of the Petition Review Board,
15 presiding.

16 PETITIONER: THOMAS SAPORITO

17
18 PETITION REVIEW BOARD MEMBERS:

19 JOE GIITTER, Chairman

20 LYNNEA WILKINS, Petition Manager

21 TANYA MENSAH, PRB Coordinator

22 PAUL PRESCOTT, NRR, Quality and Vendor Branch

23 THOMAS SETZER, Region 1

24 DAVID HILLS, Region 3

25 NEIL O'KEEFE, Region 4

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1 NRC STAFF:

2 MIKE MARKLEY, NRR

3 STACEY ROSENBERG, NRR

4 KALY KALYANAM, NRR

5 TOM FARNHOLTZ, Region 4

6

7 ALSO PRESENT:

8 JON RUND, Morgan Lewis

9 EDWARD WEINCAM, Entergy

P R O C E E D I N G S

2:02 p.m.

MS. WILKINS: Again, I'd like to thank everyone for attending this meeting.

My name is Lynnea Wilkins. I am the Project Manager for Fort Calhoun Station and Cooper Nuclear Station.

We are here today to allow the Petitioner, Mr. Thomas Saporito, to address the Petition Review Board regarding the 2.206 petition, dated June 20, 2011.

I am the Petition Manager for the petition.

The Petition Review Board Chairman is Joe Giitter.

As part of the Petition Review Board's review of this petition, Thomas Saporito has requested this opportunity to address the PRB. This meeting is scheduled from 2:00 to 3:00 p.m. Eastern. The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter. The transcript will become a supplement to the petition. The transcript will also be made publicly available.

I'd like to open this meeting with

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1 introductions, and we'll go around the room. Please
2 be sure to clearly state your name, your position
3 and the office that you work for within the NRC for
4 the record.

5 Again, I am Lynnea Wilkins. I am a
6 Project Manager in the Nuclear Reactor Regulations.

7 CHAIRMAN GIITTER: Okay. I'm Joe
8 Giitter. I'm the Director of Operating Reactor
9 Licensing in the office of Nuclear Reactor
10 Regulations.

11 MR. MARKLEY: Mike Markley, Chief of
12 Plant Licensing, Branch 4 in NRR, Division of
13 Operating Reactor Licensing.

14 MS. MENSAH: Tanya Mensah. I'm the
15 PRB Coordinator, the Division of Policy and
16 Rulemaking.

17 MS. ROSENBERG: Stacey Rosenberg. I'm
18 the Branch Chief of the Generic Communications and
19 Power Uprate Branch in the Division of Policy and
20 Rulemaking.

21 MR. PRESCOTT: Paul Prescott, Senior
22 Operations Engineer with the Quality and Vendor
23 Branch in NRR.

24 MR. KALYANAM: I'm Kaley Kalyanam,
25 Project Manager for Waterford 3. And I work for the

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1 DOL.

2 MS. WILKINS: Okay. We've completed
3 introductions here at the NRC Headquarters.

4 At this time are there any NRC
5 participants from Headquarters on line?

6 Not hearing anyone, are there any NRC
7 participants from the Regional Office on the line?

8 MR. SETZER: Yes. Hi. This is Tom
9 Setzer. I'm Senior Project Engineer in the Division
10 of Reactor Projects for Region I.

11 MR. O'KEEFE: And this is Neil O'Keefe.
12 I'm a Branch Chief in Division of Reactor Safety in
13 Region IV.

14 MR. HILLS: And this is David Hills,
15 Engineering Branch Chief in Region III.

16 MR. FARNHOLTZ: This is Tom Farnholtz,
17 Engineering Branch Chief in Region IV.

18 MS. WILKINS: Are there any
19 representatives for the licensee on the line?

20 MR. RUND: This is Jon Rund with the law
21 firm of Morgan Lewis.

22 MR. WEINCAM: This is Edward Weincam. I
23 am the Senior Manager, Licensing for Entergy.

24 MS. WILKINS: Mr. Saporito, would you
25 please introduce yourself for the record?

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1 MR. SAPORITO: Yes. My name is Thomas
2 Saporito. I'm the Senior Consultant with Saproani
3 Associates located in Jupiter, Florida, and I'm the
4 Petitioner in the proceeding.

5 MS. WILKINS: Thank you.

6 It is not required for members of the
7 public to introduce themselves for this call.
8 However, if there are any members of the public on
9 the phone that wish to do so at this time, please
10 state your name for the record.

11 Not hearing anyone, I'd like to
12 emphasize that we each need to speak clearly and
13 loudly to make sure that the court reporter can
14 accurately transcribe this meeting. If you do have
15 something that you would like to say, please first
16 state your name for the record.

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

23 At this time I will turn it over to the
24 PRB Chairman Joe Giitter.

25 CHAIRMAN GIITTER: Okay. Good

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1 afternoon. And welcome this meeting regarding the
2 2.206 petition submitted by Mr. Saporito.

3 I'd like to start with some background
4 on our process for those who might not be familiar
5 with it.

6 2.206 of Title 10 of the Code of Federal
7 Regulations describes the petition process which is
8 the primary mechanism for the public to request
9 enforcement action by the NRC in the public process.
10 The process permits anyone to petition NRC to take
11 enforcement type action related to NRC licensees or
12 licensed activities.

13 Depending upon the results of its
14 evaluation, NRC could modify, suspend or revoke an
15 NRC issued license or take any other appropriate
16 enforcement action to resolve the problem.

17 The NRC staff's guidance for this
18 disposition of the 2.206 petition's request is
19 covered in our Management Directive 8.11, which is
20 available for the public.

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

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1 The meeting is not a hearing, nor is it
2 an opportunity for Petitioner to question or
3 examine the PRB on the merits of the issues
4 presented in the petition request. We are not going
5 to be making any decisions on the merits of the
6 petition at this meeting.

7 Following this meeting the Petition
8 Review Board will conduct its internal deliberation
9 separately. And the outcome of that internal
10 meeting will be discussed with the Petitioner.

11 A Petition Review Board typically
12 consists of a Chairman, usually a manager at the SES
13 level and a Petition Manager, which you've heard
14 from Lynnea Wilkins and the PRB Coordinator, who
15 you've heard from, Tanya Mensah. Other members of
16 the Board are determined by the NRC staff based on
17 the content of the information in the petition
18 request. I know that we had Paul Prescott here as
19 one of our Quality Assurance experts.

20 At this time I would like to introduce
21 the Board. And I'll just go through this briefly
22 since we talked about this.

23 I'm Joe Giitter, the Petition Review
24 Board Chairman;

25 Lynnea Wilkins is the Petition Manager;

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1 And Tanya Mensah is the PRB Coordinator'
2 Paul Prescott from the Office of Nuclear
3 Reactor Regulations, Quality and Vendor Branch;
4 Tom Setzer from NRC's Region I Division
5 of Reactor Projects;
6 Dave Hills from NRC Region III Division
7 of Reactor Safety, and;
8 Neil O'Keefe from NRC Region IV's
9 Reactor Safety.

10 As described in our process, the NRC
11 staff may ask clarifying questions in order to
12 better understand the Petitioner's presentation and
13 to reach a reasoned decision whether to accept or
14 reject the Petitioner's request for review under the
15 2.206 process.

16 I would like to briefly summarize the
17 scope of the petition under consideration and the
18 NRC activities to date.

19 Beginning on June 12, 2011 Mr. Saporito
20 submitted to the NRC a petition under 2.206
21 regarding his concerns with Entergy Nuclear
22 Generation; Entergy Nuclear, Inc.; Entergy Nuclear
23 Northeast; Entergy Nuclear Operations, Inc.; Entergy
24 Nuclear Palisades, LLC; Entergy Nuclear Vermont
25 Yankee, LLC; Entergy Operations, Inc.; and J. Wayne

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1 Leonard, Chairman and CEO regarding the failure to
2 comply with the NRC regulations and standards set
3 out under 10 CFR 50 in making material changes to
4 the licensee's quality control/quality assurance
5 programs.

6 In this petition request Mr. Saporito
7 identified the following areas of concerns.

8 Mr. Saporito requested the NRC take
9 escalated enforcement against the above-mentioned
10 licensees and suspend or revoke the NRC license
11 granted to the licensee for operation of nuclear
12 reactors in the United States.

13 Mr. Saporito also requested that NRC
14 issue a Notice of Violation with a proposed civil
15 penalty against the collectively named and each
16 singularly named licensee in this matter in the
17 total amount of \$500,000. As a basis for this
18 request, Mr. Saporito states in short that the
19 licensees' changes to the QC/QA programs of each of
20 the individual nuclear power plants constitutes a
21 material change to each individual NRC license
22 issued to the licensing authority operation of each
23 separate nuclear reactor under 10 CFR 50.

24 The Petitioner also states that the
25 licensees failed to comply with NRC regulation by

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1 failing to file a License Amendment Request for
2 every change made in connection with the applicable
3 license at each and every nuclear facility licensed
4 for operation by the NRC for which the licensee
5 operators.

6 The Petitioner's also concerned that the
7 licenses' changes made to the QC and QA program
8 infrastructure at each of its nuclear power plants
9 has apparently adversely affected the NRC's ability
10 to protect public health and safety under the
11 Agency's Reactor Oversight Program because of the
12 interplay and interaction of changes incorporated to
13 the licensees' QC and QA programs.

14 Allow me to discuss the NRC's activities
15 to date.

16 On July 5th the Petition Manager
17 contacted you and discussed the 10 CFR 2.206 process
18 to offer you an opportunity to address the PRB by
19 phone or in person. You requested to address the
20 PRB by phone, which of course is the purpose of
21 today's call, prior to its internal meeting to make
22 initial recommendation to accept or reject the
23 petition for review.

24 As a reminder for the phone
25 participants, please identify yourself if you make

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1 any remarks as this will help us in the preparation
2 of the meeting transcript that will be made publicly
3 available.

4 So, with that, Mr. Saporito, I would
5 request at this time that you provide us with any
6 additional information you believe the PRB should
7 consider as part of this petition?

8 MR. SAPORITO: All right. Thank you,
9 Mr. Chairman.

10 And before I begin, if there are any
11 members of the public or the media on this telephone
12 conference call, you are entitled under the law and
13 under NRC regulation to ask questions or to make
14 comments at the end of this meeting. So, just so you
15 know.

16 All right. Good afternoon, everyone. My
17 name is Thomas Saporito, and I am the Senior
18 Consultant for SaproDani Associates and a
19 representative petitioner in this manner being
20 presented to the U.S. Nuclear Regulatory
21 Commission's Petition Review Board today.

22 Our website is located at saprodani-
23 associates.com, with a hyphen between those first
24 two words. Spelled S as in Sam, A-P like in Peter
25 R-O-D-A-N-I.

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1 A brief background for the record. In an
2 enforcement petition, dated June 20, 2011 and filed
3 with the NRC Executive Director for Operations under
4 10 CFR 2.206, Saprodani Associates and myself
5 requested that the NRC take an escalated enforcement
6 action against: Entergy Nuclear Generation; Entergy
7 Nuclear, Inc.; Entergy Nuclear Northeast; Entergy
8 Nuclear Operations, Inc.; Entergy Nuclear Palisades,
9 LLC; Entergy Operations, Inc.; and J. Wayne Leonard,
10 Chairman and CEO, collectively the licensees.

11 Specifically Petitioners requested that
12 the NRC suspend or revoke the NRC licenses granted
13 to the licensee for operation of nuclear reactors in
14 the United States and that the NRC issue a Notice of
15 Violation for their proposed civil penalty against
16 the collectively named and each singularly named
17 licensee in the total amount of \$500,000.

18 All of the comments today by Petitioner
19 on this public record are to be considered as a
20 supplement to our original petition filed in this
21 matter on June 20, 2011 just as though these
22 comments were reflected in writing on the date of
23 that petition.

24 The instant enforcement petition stemmed
25 from a June 20, 2011 NRC Public Meeting held with

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1 the licensee at which Saprohani Associates was
2 represented via teleconference call link. In
3 summary, the licensee informed the NRC at that
4 meeting about a change in the structure for which
5 quality control and quality assurance licensed
6 activities would be conduct and are being conducted
7 at the licensees' nuclear power plants.

8 Specifically, the licensee informed the NRC that:

9 (1) All QC/QA licensed activities at
10 all the licensees' nuclear power plants would be
11 overseen and administered from a central corporate
12 entity; and,

13 That all QC/QA managers at each of the
14 licensees' nuclear power plants now report directly
15 to the licensee's Chief Nuclear Office; and,

16 (2) That any QC/QA changes made at any
17 one of the licensees' nuclear power plants would be
18 implemented at the entire fleet of the licensees'
19 nuclear power plants in connection with the
20 licensee's Corrective Action Program through the
21 initiation of a Condition Report.

22 Petitioners averred to the NRC that the
23 licensees' changes made to their QC/QA program
24 infrastructure at each of the licensees' nuclear
25 power plants has adversely affected the NRC's

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1 ability to protect public health and safety under
2 the Agency's Reactor Oversight Program because of
3 the interplay and interaction of the changes
4 incorporated in the licensees' QC/QA program within
5 the licensees' fleet of nuclear power plants.

6 Petitioners further averred to the NRC
7 that:

8 (1) The licensee apparently failed to
9 file any License Amendment Request with the NRC
10 authorizing the licensee to make material changes to
11 the licensees' QC/QA program at any of the
12 licensees' nuclear power plants;

13 (2) The licensee apparently failed to
14 update each Final Safety Analysis Report at each and
15 every nuclear power plant for which the licensee
16 made material changes to the relevant nuclear
17 plant's QC/QA program;

18 (3) The licensee apparently failed to
19 update the technical specification at each and every
20 nuclear power plant for which the licensee made
21 material changes to the QC/QA program; and,

22 (4) The public was not provided
23 adequate notice in the *Federal Register* with an
24 opportunity to intervene in connection with the
25 changes made to the licensee's QC/QA program at each

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1 of the licensee's nuclear power plants as required
2 under the law.

3 Next, I want to talk about in summary
4 the NRC reactor oversight process.

5 The regulatory framework for reactor
6 oversight consists of three key strategic
7 performance areas:

- 8 (1) Reactor safety;
- 9 (2) Radiation safety; and,
- 10 (3) Safeguards.

11 Within each strategic performance area
12 are cornerstones that reflect the essential safety
13 aspects of a nuclear plant's operation. These
14 cornerstones include:

- 15 (1) Initiating events;
- 16 (2) Mitigating systems;
- 17 (3) Barrier integrity;
- 18 (4) Emergency preparedness;
- 19 (5) Public radiation safety;
- 20 (6) Occupational radiation safety; and,
- 21 (7) Physical protection.

22 Satisfactory licensee performance in
23 cornerstones provides reasonable assurance of safe
24 facility operation and that the NRC's safety mission
25 is being accomplished. Each cornerstone contains

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1 inspection procedures and performance indicators to
2 ensure that their objectives are being met. The NRC
3 evaluates the plant performance by analyzing two
4 distinct inputs:

5 (1) Inspection findings resulting from
6 NRC's inspection program; and,

7 (2) Performance indicators reported by
8 the licensee.

9 The NRC considers both the inspection
10 findings and the performance indicators in
11 comprising a nuclear plant assessment. Moreover,
12 both inspection findings and performance indicators
13 are evaluated and given a color designation based on
14 their safety significance.

15 A green inspection finding indicate a
16 deficiency in licensee performance that has very low
17 risk significance, and therefore has little or no
18 impact on safety. A green performance indicator
19 represents acceptable performance in which
20 cornerstone objectives are fully met and have little
21 or no impact on safety.

22 Green inspection findings and
23 performance indicators allow for licensee
24 initiatives to correct performance issues before
25 increased NRC regulatory involvement is warranted.

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1 White, yellow or red inspection findings
2 or performance indicators each respectively
3 represent a greater degree of safety significance
4 and trigger increased NRC regulatory attention.

5 The NRC determines its regulatory
6 response in accordance with an action matrix that
7 provides for a range of action commensurate with the
8 significance of the performance indicators and
9 inspection results. The actions of the matrix are
10 graded such that the NRC becomes more engaged as the
11 licensee's performance decline.

12 One basic tenet of the reactor oversight
13 process is that a licensee's Corrective Action
14 Program should be relied upon to correct identified
15 issues that do not result in safety performance
16 thresholds being crossed. The NRC can make
17 adjustments to the inspection plan based on plant
18 performance trend.

19 If a performance indicator is trending
20 toward the green/white threshold, the NRC can focus
21 inspection efforts in that area. At nuclear power
22 plant that do not have all of its performance
23 indicators --

24 CHAIRMAN GIITTER: Mr. Saporito? Mr.
25 Saporito?

1 MR. SAPORITO: Yes, sir.

2 CHAIRMAN GIITTER: I think we're all
3 familiar with the ROP process. Are you providing us
4 with additional information to support your
5 petition?

6 MR. SAPORITO: Well, first, in my
7 opinion after 22 some years of intervening on NRC
8 enforcement proceedings it's not clear to me as a
9 member of the public that the NRC has a good handle
10 on the reactor oversight process and a good
11 understanding of that process.

12 And second, this meeting is open to the
13 public and the media which may have no idea what the
14 reactor oversight process is.

15 And three, the reactor oversight process
16 is extremely relevant and germane to the subject
17 matter of the petition for which Petitioners request
18 escalated enforcement action on the part of the NRC.

19 Now, can I continue without further
20 interruption?

21 CHAIRMAN GIITTER: Okay. But I'd
22 appreciate it if you could get to the additional
23 information you'd like to provide us.

24 MR. SAPORITO: Well, you know we agreed
25 with the NRC for a date and time, and length of this

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1 meeting. We all agreed to that. And based on that
2 agreement, I scheduled my time and my effort, and my
3 research to engage the NRC Petition Review Board
4 accordingly. And now you are rudely interrupting my
5 presentation and consuming my valuable time, which I
6 have set aside for the government so that the
7 government can meet its mission in protecting public
8 health and safety.

9 So, your interruptions serve no purpose
10 whatsoever but to limit the public's participation
11 in the 2.206 process inappropriate, which such
12 conduct should be the subject of an NRC Office of
13 the Inspector General investigation. And on that
14 basis, I request and demand that a copy of these
15 transcripts be provided to the OIG for such purpose
16 so that that agency can make an informed decision as
17 to whether your conduct and your actions in
18 interrupting me in this process is acceptable.

19 CHAIRMAN GIITTER: We'll provide that to
20 the --

21 MR. SAPORITO: Now, can I continue
22 without interruption?

23 CHAIRMAN GIITTER: We'll provide that to
24 the IG, but I think the point is is I think
25 everybody on the NRC side understands the ROP

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1 process. And it appeared to me that you're just
2 going through a detailed discussion of what the ROP
3 process is.

4 CHAIRMAN GIITTER: Well, you're
5 incorrect. So, I can continue now?

6 CHAIRMAN GIITTER: Go ahead.

7 MR. SAPORITO: All right. On the record
8 again before I was so rudely interrupted.

9 If a performance indicator is turning
10 towards the green light threshold, the NRC can focus
11 inspection efforts in that area. At nuclear power
12 plant that do not have all green performance
13 indicators and inspection findings, the NRC will
14 perform additional inspections beyond the baseline
15 program and initiate other actions commensurate with
16 safety-significance of the issue.

17 With respect to quality assurance,
18 quality assurance compromises all plant and
19 systematic actions that are necessary to provide
20 adequate confidence that a structure, system or
21 component will perform satisfactory in service. The
22 NRC reviews and inspects QA programs or quality
23 assurance programs and their implementation for
24 nuclear steam systems suppliers, architect
25 engineering firms, suppliers of safety-related and

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1 commercial grade products and services, calibration
2 testing laboratories and holders of NRC construction
3 permits operating license and combined license in
4 quality-related areas.

5 In conducting these inspections, the
6 NRC's objective is to determine whether licensees
7 and their contractors are meeting the Agency's
8 requirement. The NRC reviews the QA program for
9 commercial nuclear power plants and reviews any
10 changes that reduces previous commitment to the
11 nuclear plant's quality assurance program.

12 Petitioner cites the following
13 references for this public records:

14 Regulation Standard Review Plan, SECY
15 paper and NUREG-1055. And also Safety Evaluation
16 Reports concerning revised basis for QA programs.
17 And also QA inspections for new reactor licensing.
18 And also vendor QA inspections. And also nuclear
19 procurement issues committee NUPIC and industry
20 interactions. And finally, workshops on vendor
21 oversight for new reactor construction.

22 Now in speaking about Appendix B to Part
23 50: Quality Assurance Criteria for Nuclear Power
24 Plants and Fuel Reprocessing Plants, in relevant
25 part the applicant shall establish at the earliest

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1 practical time consistent with the schedule for
2 accomplishing the activities, a quality assurance
3 program which complies with the requirements of this
4 Appendix. This program shall be documented by
5 written policies, procedures or instruction and
6 shall be carried out throughout the life of the
7 plant in accordance with those policies, procedures
8 or instruction.

9 The application shall identify the
10 structures, systems and components to be covered by
11 the quality assurance program and the major
12 organizations participating in the program together
13 with the designated functions of these
14 organizations.

15 The quality assurance program shall
16 provide control of the activities effecting the
17 quality of the identified structures, systems and
18 components to the extent consistent with their
19 importance to safety.

20 Activities effecting quality shall be
21 accomplished under suitably controlled condition.

22 Now with respect to the petition and the
23 instant action that is the subject of this meeting
24 today, as can be seen the NRC ability to protect
25 public health and safety with respect to the

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1 licensee's operation on numerous commercial nuclear
2 power reactors within the continental United States
3 is relevant to the reactor oversight process and the
4 NRC's ability to follow through on the ROP's
5 requirements and procedures in connection with the
6 NRC's requirements under 10 CFR Part 50 that the
7 licensee maintain a quality assurance program.

8 Now, the way that the licensee has made
9 material changes to their quality assurance program
10 and quality control program is such that the
11 licensee is trying to administer these programs
12 across the entire fleet of nuclear plants under
13 various licensees that were granted by the NRC to
14 the licensee to operate to these nuclear reactors.
15 And, you know you don't have to be a rocket
16 scientist to see the problem here.

17 First of all, all these plants that were
18 licensed by the NRC were licensed individually to
19 operate one or more nuclear reactors, each nuclear
20 reactor having its own individual operating license
21 issued by the NRC. And each nuclear reactor has
22 site specific technical specifications and safety
23 margins that that nuclear reactor has to operate
24 within. And each nuclear reactor licensed by the NRC
25 had to have a Final Safety Analysis Report performed

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1 and configured and accepted by the Agency before the
2 NRC granted each individual license.

3 So all these nuclear power plants
4 within the licensee's fleet of nuclear reactors all
5 have nuclear reactors; that's the extent of the
6 commonality of the entire fleet. Because each
7 individual nuclear reactor is different from each
8 and every other one. Therefore, the quality
9 control/quality assurance program has to be specific
10 to each individual nuclear reactor. And they cannot
11 have any commonality through administrative or
12 otherwise any control on the licensee which would
13 generalize the administration of the quality
14 control/quality assurance program.

15 And because of the material changes made
16 by the licensee which are the subject of this
17 enforcement petition and this meeting today, the
18 NRC's not going to have the ability to protect
19 public health and safety in following through their
20 inspection program under the reactor oversight
21 process. Because any changes made at any one of the
22 licensee's nuclear plants in their quality
23 control/quality assurance areas, it's going to be
24 implemented across the board according to the
25 licensee according to my understanding of the

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1 licensee's changes made to their program.

2 And the NRC inspection are relevant
3 specifically to each nuclear reactor. So the NRC
4 goes in there on a quarterly basis and does their
5 inspection under the reactor oversight process and
6 for each individual nuclear reactor. And to have the
7 NRC meet its mission to protect public health and
8 safety, the NRC has to make sure that all the
9 cornerstones objectives within the reactor oversight
10 process are being met by the licensee. And the NRC
11 is not going to be able to do that because there may
12 be changes made at one plant that are being
13 implemented across the board which really shouldn't
14 be implemented across the board. And even if one
15 change could be somehow implemented across the board
16 through the entire fleet of the licensee's fleet of
17 nuclear reactors, then the NRC would be tasked to
18 evaluate that change across the entire fleet outside
19 their normal inspection routine. Because there's a
20 number of nuclear plants that were identified in
21 this petition and it would necessarily interrupt the
22 NRC's ability to do that.

23 The NRC has limited resources and those
24 resources are already designated in a structured
25 program through the reactor oversight process

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1 through procedures and documentation to take certain
2 inspection activities at certain specific times to
3 protect public health and safety.

4 Where a licensee in this particular
5 instance apparently made material changes to a
6 quality control/quality assurance program apparently
7 without even filing a License Amendment Request at
8 any of these nuclear power plants which are going to
9 be the subject of these material changes, and which
10 have already been the subject of these material
11 changes where the licensee has informed the NRC of
12 this program restructuring of this quality
13 control/quality assurance program has already been
14 taking place at one or more of their nuclear power
15 plants is in my view unbelievable that the NRC as an
16 agency to protect public health and safety hasn't
17 intervened before this petition was even filed.

18 So, that's the extent of the concern,
19 being that here you have a licensee which made
20 material changes to its quality control/quality
21 assurance program that effects the entire fleet of
22 their nuclear reactors, but that the entire fleet
23 has individual licenses and individual technical
24 specifications, they have individual Final Safety
25 Analysis Reports where it seems improbable and

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1 impractical that the licensees could
2 administratively could make these changes and make
3 these control throughout their entire fleet without
4 adversely effecting public health and safety.

5 And to the extent that the managers of
6 the quality control and quality assurance programs,
7 the people that actually are required to go out in
8 the field at each individual nuclear plant and do
9 these inspections and do the quality assurance
10 audits, and make findings and make follow-up, it
11 doesn't even seem conscionable that those
12 individuals can perform their jobs. Because if they
13 make material changes at one plant, is the
14 licensee's going to implement those changes
15 throughout the entire fleet? And how would they do
16 that? How would you incorporate such changes? I
17 mean, you'd have to make safety evaluations on each
18 change. You'd have to make License Amendment
19 Requests. And it doesn't seem that's even
20 realistic. And it's just unconscionable. It's
21 unbelievable that we're even discussing these type
22 of changes over so board bases.

23 So, as far as the public health and
24 safety is concerned, the NRC should be gravely
25 concerned that the licensee has invoked these

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1 material changes to their quality control and
2 quality assurance programs which will prevent and
3 inhibit the NRC from performing its mission to
4 protect public health and safety in these
5 circumstances where the NRC uses and relies upon
6 the reactor oversight process to do that for that
7 purpose.

8 And that's essentially all I have today,
9 but I will stay on the line here to answer any
10 questions or make any clarifications that the NRC or
11 the public may have.

12 CHAIRMAN GIITTER: We appreciate your
13 remarks, Mr. Saporito.

14 At this time does the NRC staff at
15 Headquarters have any questions for Mr. Saporito?

16 Okay. Any questions from NRC staff in
17 the region?

18 MR. SETZER: No questions from the
19 region. Thank you.

20 CHAIRMAN GIITTER: Okay. Does the
21 licensee have any questions?

22 MR. WEINCAM: This is Weincam.

23 No, nothing.

24 CHAIRMAN GIITTER: Okay. If there are
25 any members of the public -- let me just ask. Are

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1 there any members of the public that are
2 participating in this call? Okay. I guess not.

3 Before I conclude the meeting, we don't
4 have any members of the public but I wanted to make
5 sure that we did provide an opportunity for members
6 of the public to speak out. But since there are
7 none, I guess that concludes our meeting here.

8 Mr. Saporito, thank you for taking time
9 to provide the NRC staff with that clarifying
10 information on the petition you submitted.

11 Before we close, does the court reporter
12 need any additional information for the meeting
13 transcript?

14 COURT REPORTER: I do have a couple of
15 questions, but they can be handled offline.

16 CHAIRMAN GIITTER: Okay. With that, the
17 meeting is concluded and we will be terminating the
18 phone connection.

19 Thank you.

20 (Whereupon at 2:39 p.m. the meeting was
21 adjourned.)

22

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before the United States Nuclear Regulatory Commission
in the matter of: Entergy Nuclear

Name of Proceeding: 10 CFR 2.206 Petition of
Thomas Saporito

Docket Number: (n/a)

Location: (teleconference)

were held as herein appears, and that this is the
original transcript thereof for the file of the United
States Nuclear Regulatory Commission taken by me and,
thereafter reduced to typewriting by me or under the
direction of the court reporting company, and that the
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foregoing proceedings.


Charles Morrison
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