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**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition RE St. Lucie

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL

6 RE

7 ST. LUCIE PLANT

8 + + + + +

9 THURSDAY

10 JULY 7, 2011

11 + + + + +

12 The conference call was held, Sam Lee  
13 Chairperson of the Petition Review Board, presiding.

14  
15 PETITIONER: THOMAS SAPORITO

16  
17 PETITION REVIEW BOARD MEMBERS

18 SAMSON LEE, Deputy Division Director, Division of Risk  
19 Assessment, NRR

20 MARILEE BANIC, PRB Coordinator, NRR

21 TRACY ORF, Project Manager for St. Lucie Plant, NRR

22  
23  
24  
25 NRC HEADQUARTERS STAFF

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1 DOUG BROADDUS, Branch Chief, NRR

2 GERALD PURCIARELLO, Balance-of-Plant Branch, NRR

3 DAN RICH, Branch Chief

4 STEVEN ROSE, Senior Project Engineer

5 MARCIA SIMON, Office of General Counsel

6  
7 ON BEHALF OF THE LICENSEE

8 STEVEN HAMRICK, Florida Power and Light

9 ERIC KATZMAN, Florida Power and Light

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## P R O C E E D I N G S

2:30 p.m.

MR. ORF: I would like to thank everybody for attending this meeting. My name is Tracy Orf, and I'm the St. Lucie Project Manager. We are here today to allow the petitioner, Thomas Saporito, to address the Petition Review Board regarding the 10 CFR 2.206 petition dated May 12, 2011. I am the Petition Manager for the petition, and the Petition Review Board Chairman is Sam Lee.

As part of the Petition Review Board's, or PRB's review of this petition, Thomas Saporito has requested this opportunity to address the PRB. This meeting is scheduled from 2:30 to 3:30 p.m. Eastern Time. The meeting is being recorded by the NRC Operations Center, and will be transcribed by a court reporter. The transcript will become a supplement to the petition. The transcript will also be made publicly available.

I'd like to open this meeting with introductions, and as we go around the room, please be sure to clearly state your name, your position, and the office that you work for within the NRC for the record. I'll start it off; my name is Tracy Orf, I'm the Project Manager for St. Lucie in the Office of

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1 Nuclear Reactor Regulations.

2 MR. PURCIARELLO: Jerry Purciarello, in  
3 the Balance-of-Plant Branch in NRR.

4 MS. SIMON: Marcia Simon, from the Office  
5 of General Counsel.

6 MR. LEE: Samsom Lee, I'm the Deputy  
7 Division Director, Division of Risk Assessment, NRR.

8 MS. BANIC: Lee Banic, back up Petition  
9 Coordinator, NRR.

10 MR. BROADDUS: Doug Broaddus, Branch Chief  
11 in NRR.

12 MR. ORF: Okay, we've completed  
13 introductions at the NRC Headquarters. At this time,  
14 are there any NRC participants from Headquarters on  
15 the phone? Are there any NRC participants from the  
16 Regional Office on the phone?

17 MR. ROSE: Yes, this is Steven Rose, I'm  
18 the Senior Project Engineer for the Southern Nuclear  
19 Company sites, and I was the Lead Inspector for the  
20 Component Design Basis Inspection at St. Lucie.

21 MR. RICH: And I'm Dan Rich, Branch Chief  
22 for the Florida sites.

23 MR. ORF: Are there any representatives  
24 for the licensee on the phone?

25 MR. HAMRICK: Yes, this is Steven Hamrick

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1 with Florida Power and Light.

2 MR. KATZMAN: And this is Eric Katzman  
3 from Florida Power and Light.

4 MR. ORF: Okay. Mr. Saporito, would you  
5 please introduce yourself for the record?

6 MR. SAPORITO: Yes, my name is Thomas  
7 Saporito, I'm the Senior Consulting Associates with  
8 Saproani Associates in Jupiter, Florida; I'm the  
9 petitioner in this proceeding.

10 MR. ORF: Okay, it is not required for  
11 members of the public to introduce themselves for this  
12 call; however, if there are any members of the public  
13 on the phone who wish to do so at this time, please  
14 state your name for the record. I'd like to emphasize  
15 that we each need to speak clearly and loudly to  
16 ensure the court reporter can accurately transcribe  
17 this meeting. If you do have something that you would  
18 like to say, please first state your name for the  
19 record. For those dialing into the meeting, please  
20 remember to mute your phones to minimize any  
21 background noise or distractions. If you do not have  
22 a mute button, this can be done by pressing the keys  
23 star, six. To un-mute, press the star, six keys  
24 again. Thank you. At this time, I'll turn it over to  
25 the PRB Chairman, Samson Lee.

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1           MR. LEE: Good afternoon. Welcome to this  
2           teleconference, regarding the 2.206 petition submitted  
3           by Mr. Saporito. I would like to first share some  
4           background on our process. Section 2.206 of Title 10  
5           of the Code of Federal Regulations describes the  
6           petition process--the primary mechanism for the public  
7           to request enforcement actions by the NRC in a public  
8           process. This process permits anyone to petition NRC  
9           to take enforcement-type action related to NRC  
10          licensees or licensed activities. Depending on the  
11          results of its evaluation, NRC could modify, suspend  
12          or revoke an NRC-issued license or take any other  
13          appropriate enforcement action to resolve a problem.  
14          The NRC staff's guidance for the disposition of 2.206  
15          petition requests is in Management Directive 8.11,  
16          which is publicly available.

17                 The purpose of today's teleconference is  
18          to give the petitioner an opportunity to provide any  
19          additional explanation or support for the petition  
20          before the Petition Review Board's initial  
21          consideration and recommendation. This teleconference  
22          is not a hearing, nor is it an opportunity for the  
23          petitioner to question or examine the PRB on the  
24          merits or the issues presented in the petition  
25          request. No decisions regarding the merits of this

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1 petition will be made at this teleconference.  
2 Following this teleconference, the Petition Review  
3 Board will conduct its initial deliberations. The  
4 outcome of this internal meeting will be discussed  
5 with the petitioner.

6 The Petition Review Board typically  
7 consists of a Chairman, usually a manager at the  
8 senior executive service level at NRC. It has a  
9 Petition Manager and a PRB Coordinator. Other members  
10 of the Board are determined by the NRC staff based on  
11 the content of the information in the petition  
12 request. At this time, I would like to introduce the  
13 Petition Review Board. I'm Sam Lee, the Petition  
14 Review Board Chairman. Tracy Orf is the Petition  
15 Manager for the petition under discussion today. Lee  
16 Banic is filling in as the office PRB Coordinator, and  
17 our technical staff includes Jerry Purciarello from  
18 the Office of Nuclear Reactor Regulation's Balance-of-  
19 Plant Branch; Steven Rose from NRC's Region II  
20 Division of Reactor Projects.

21 As described in our process, the NRC staff  
22 may ask clarifying questions in order to better  
23 understand the petitioner's presentation and to reach  
24 a reasoned decision whether to accept or reject the  
25 petitioner's request for review under the 2.206

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1 process. I would like to summarize the scope of the  
2 petition under consideration, and the NRC activities  
3 to date.

4 On May 12, 2011, Mr. Saporito submitted to  
5 the NRC a petition under 2.206 regarding the St. Lucie  
6 Plant. In this petition request, Mr. Saporito's area  
7 of concern was with the design of the component  
8 cooling water system at St. Lucie Plant, Units 1 and  
9 2. Mr. Saporito requests that the NRC suspend or  
10 revoke the NRC licenses granted to the licensee for  
11 operation of the St. Lucie Plant, Units 1 and 2; issue  
12 a notice of violation with a proposed civil penalty  
13 against the licensee; and order the immediate shutdown  
14 of St. Lucie Plant, Units 1 and 2.

15 Please allow me to discuss the NRC  
16 activities to date. On May 25, the Petition Manager  
17 contacted you to discuss the 10 CFR 2.206 process and  
18 to offer the opportunity to address the PRB by phone  
19 or in person. You requested to address the PRB by  
20 phone prior to its internal meeting to make the  
21 initial recommendation to accept or reject the  
22 petition for review. Because you requested the  
23 immediate shutdown of the St. Lucie plant, the PRB met  
24 on June 2 to discuss those actions to determine if  
25 immediate actions were required. The PRB denied the

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1 request for immediate action because there was no  
2 immediate safety concerns to the plant and to the  
3 health and safety of the public. The Petition Manager  
4 informed you of this decision on June 8.

5 As a reminder for the phone participants,  
6 please identify yourself if you make any remarks, as  
7 this will help us in the preparation of the meeting  
8 transcript that will be made publicly available.  
9 Thank you. Mr. Saporito, I will turn it over to you  
10 now to allow you to provide what you believe the PRB  
11 should consider as part of this petition.

12 MR. SAPORITO: All right. Thank you,  
13 Chairman, and good afternoon to everyone. Again, my  
14 name is Thomas Saporito, I'm a Senior Consulting  
15 Associate with SaproDani Associates in Jupiter,  
16 Florida, and we're the petitioner in this proceeding  
17 today, and we maintain a website at saprodani-  
18 associates.com; there's a hyphen between those two  
19 words. Before I get into the substance of these  
20 issues today, I would like to first correct this  
21 public record. The NRC has several times this  
22 afternoon stated on this record that the petition  
23 filed in this matter was dated May 12, 2011. The fact  
24 of the matter is the petition was filed on April 3,  
25 2011. So let the record be corrected in that respect;

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1 that brings a concern to me of exactly which documents  
2 the NRC Petition Review Board has reviewed in these  
3 circumstances, in the fact that they have the wrong  
4 dated document.

5 Anyway, continuing on, I have several  
6 years' experience working in the nuclear industry, and  
7 I've been following the actions of the NRC over the  
8 better part of 22 years; in fact, I was actually an  
9 employee of the Florida Power and Light Company, St.  
10 Lucie Nuclear Power Plant. I worked with both units,  
11 but I was actively involved in the start up on Unit 2.  
12 So I am pretty familiar with the overall plant and its  
13 operation.

14 Alright. So, on April 3, 2011, an  
15 enforcement petition was filed with the U.S. Nuclear  
16 Regulatory Commission, or NRC, requesting that the  
17 Agency take escalated enforcement action against the  
18 Florida Power and Light Company, or FP&L, St. Lucie  
19 Nuclear Plant, in connection with a very serious  
20 safety violation that occurred at the nuclear plant,  
21 resulting in a notice of violation and a yellow  
22 finding by the NRC against FPL on April 19, 2010. The  
23 yellow finding by the NRC identified an issue with  
24 substantial safety significance which will require  
25 additional NRC inspections, and was determined to have

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1 a cross-cutting aspect in the area of human  
2 performance.

3 Specifically, in October 2008, air  
4 intrusion from the containment instrument air system  
5 to the component cooling water system occurred, which  
6 affected both redundant trains of the component  
7 cooling water system. The troubleshooting and  
8 subsequent corrective actions that were implemented by  
9 the licensee failed to identify the source of the air  
10 in-leakage, and ensure that the component cooling  
11 water system maintained--excuse me--remained capable  
12 of delivering adequate cooling to essential equipment  
13 used to mitigate design basis accidents which  
14 contributed to a similar air intrusion event into the  
15 component cooling water system in November 2009. The  
16 petitioner references NRC EA-09-321--it's an  
17 enforcement action--for the record.

18 On November 3, 2010, the NRC issued a  
19 letter to Florida Power and Light Company's Executive  
20 Vice President, Mano Nazar, M-A-N-O, N as in Nancy, A-  
21 Z-A-R, which stated in relevant part that "on  
22 September 30, 2010, the United States Nuclear  
23 Regulatory Commission's staff completed a supplemental  
24 inspection at your St. Lucie Nuclear Plant, Unit 1.  
25 The objectives of the supplemental inspection were to

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1 provide assurance that 1) the root causes and the  
2 contributing causes for the risk-significant issues  
3 were understood; 2) the extent of condition and extent  
4 of cause of the issues were identified; and 3)  
5 corrective actions were or will be sufficient to  
6 address and preclude repetition of the root and  
7 contributing causes." The inspection also included an  
8 independent NRC review of the extent of condition and  
9 extent of cause, so the Yellow finding, and an  
10 assessment of whether any safety culture component  
11 caused or significantly contributed to the issue.

12 Florida Power and Light Company's staff  
13 evaluation identified root causes of the issue to be:  
14 1) decision-making by the organization was  
15 insufficient due to inadequate knowledge and skills  
16 related to risk-significant decisions, conservative  
17 assumptions, and timely communication between  
18 departments; and 2) the organization missed several  
19 opportunities to promptly identify, fully analyze and  
20 resolve in a timely manner the air intrusion event;  
21 and 3) inadequate fleet site procedures resulted in  
22 the failure to recognize the condition and  
23 significance of the event in a timely manner; and 4)  
24 management did not effectively implement policies and  
25 procedures, which resulted in a reluctance to

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1 challenge issues and recognize the significance of the  
2 2008 event, and a repeat of the event in 2009; and 5)  
3 less than adequate design of the containment air  
4 compressor system resulted in recurrent air intrusion  
5 events; and 6) less than adequate maintenance resulted  
6 in a similar 2009 component cooling water system air  
7 intrusion event.

8 The NRC inspection team further determined  
9 that FP&L's organization failed to recognize or  
10 understand the significance of the 2008 gas intrusion  
11 event and its impact on the component cooling water  
12 system, and that there were inadequacies in operating,  
13 alarm response, maintenance, operability determination  
14 and corrective action procedures. Overall, the NRC  
15 inspectors determined that the components of safety  
16 culture at the St. Lucie nuclear plant contributed to  
17 the Yellow finding associated with the licensee's  
18 failure to implement adequate corrective actions  
19 associated with the 2008 component cooling water air  
20 intrusion event. Petitioners reference NRC's November  
21 3, 2010 letter to FP&L Executive Vice President Mano  
22 Nazar in connection with EA-09-321 for the record.

23 Now before I continue with further  
24 discussion, let this public record reflect the  
25 following issues, which should be of grave concern to

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1 the NRC Office of the Inspector General. Issue number  
2 1, what are the root causes and the contributing  
3 causes for the NRC's failure to timely require the  
4 licensee, FP&L, to affirmatively and definitively  
5 identify and resolve the 2008 air in-leak event  
6 associated with the St. Lucie Nuclear Plant component  
7 cooling water system in 2008, which resulted in a  
8 repetitive violation of NRC safety regulations for the  
9 very same issue in 2009? Issue number 2, what  
10 corrective actions will be sufficient to address and  
11 preclude repetition of the root cause and contributing  
12 causes of the NRC's failure, in these circumstances,  
13 and when will they be implemented to protect public  
14 health and safety?

15 Issue number 3, why did the NRC wait until  
16 April 19, 2010, to take any enforcement action against  
17 FPL and the St. Lucie Nuclear Plant for a serious  
18 nuclear safety violation that initially occurred in  
19 2008? Next issue, what role, if any, did the NRC  
20 resident inspectors at the St. Lucie Nuclear Plant  
21 play to identify the air in-leak intrusion event in  
22 2008, and to oversee the licensee's corrective  
23 actions, if any, at that time? And finally, why  
24 didn't the NRC inspect the St. Lucie Nuclear Plant,  
25 Unit 2, for a similar design problem associated with

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1 its component cooling water systems?

2           Considering that the NRC first issued an  
3 operating license for the St. Lucie Nuclear Plant Unit  
4 1 on March 1, 1976, it strains the mind of a  
5 reasonable person that the NRC continues to allow FP&L  
6 to operate their nuclear reactors at full power with  
7 so many broad-based failures in management, training,  
8 worker knowledge, failed plant procedures, system  
9 design based flaws, inadequate safety culture,  
10 repetitive serious violations for the very same  
11 problem, et cetera.

12           It is reasonable to believe that after  
13 some 31 years of operating the St. Lucie Nuclear  
14 Plant, that FP&L management would have excellent  
15 station procedures and accurate station procedures,  
16 and seasoned managers who take personal responsibility  
17 for plant operations and an impeccable work safety  
18 culture, where all nuclear workers are free, and feel  
19 free, to raise nuclear safety concerns to anyone, and  
20 a corrective action program of sufficient use and  
21 design to prevent repetitive, serious safety  
22 violations of NRC requirements, and proper supervision  
23 of craft workers effecting repairs and conducting  
24 surveillance maintenance activities, and a viable  
25 training program, et cetera.

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1           Clearly, the record of evidence to date  
2 shows exactly the opposite at the St. Lucie Nuclear  
3 Plant, a nuclear plant that the NRC issued a 20-year  
4 license extension, allowing operation of the nuclear  
5 reactor until March 1, 2036. In consideration of  
6 these grave concerns in connection with the NRC's  
7 oversight and inspection activities and enforcement  
8 activities associated with the St. Lucie Nuclear  
9 Plant, the petitioner requests that a copy of the  
10 record transcripts be provided to the NRC Office of  
11 the Inspector General to enable that agency to make an  
12 informed decision as to whether the NRC should be  
13 investigated for improper activities in these  
14 circumstances, and whether public health and safety  
15 was at any time jeopardized in connection with  
16 licensed activities at the St. Lucie Nuclear Plant in  
17 connection with the events outlined in NRC EA-09-321,  
18 dated November 3, 2010.

19           With respect to the instant enforcement  
20 petition, the licensee apparently admitted to the NRC  
21 that when the St. Lucie Nuclear Plant, Unit 1 was  
22 licensed, the facility was not required to incorporate  
23 a single failure design capability for a non-safety  
24 system. And FPL concluded that a violation of 10 CFR,  
25 Part 50, Appendix B, Criterion 3 did not occur as

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1 found by NRC inspectors. Petitioners contend here  
2 that the licensee's admission supports a finding that  
3 the licensee is operating the St. Lucie Nuclear Plant  
4 well outside the NRC's nuclear safety regulations  
5 under 10 CFR, Part 50, and that the component cooling  
6 water system employed at the St. Lucie Nuclear Plant,  
7 Unit 1 and Unit 2 is a nuclear safety-related system  
8 to the extent that it serves to remove heat from the  
9 reactor core in various manners and modes of  
10 operation.

11 Petitioner further contends that since the  
12 licensee admitted to the NRC that the St. Lucie  
13 Nuclear Plant, Unit 1 was licensed by the NRC for  
14 operations not requiring the incorporation of a single  
15 failure design capability for the component cooling  
16 water system, that the licensee's NRC operational  
17 licenses for Unit 1 and Unit 2 are invalid, and that  
18 the NRC should order the licensee to immediately bring  
19 the St. Lucie Nuclear Plant, Unit 1 and Unit 2 to a  
20 cold shut down mode of operation to protect public  
21 health and safety in these circumstances.

22 Petitioner further contends that the metal  
23 in the nuclear reactor vessels at the St. Lucie  
24 Nuclear Plant, Unit 1 and Unit 2 have become  
25 dangerously brittle from bombardment of high-level

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1 neutron radiation during normal operations over years  
2 and years of operation, and that neither the licensee  
3 nor the NRC has any accurate and meaningful data  
4 measurements of just how brittle the nuclear reactor  
5 vessels have become at the St. Lucie Nuclear Plant.  
6 Petitioners are concerned that should one or both of  
7 the nuclear vessels at the St. Lucie Nuclear Plant  
8 crack or shatter, that a full core melt down would  
9 immediately occur, similar to the ongoing melt down of  
10 three nuclear reactors in Japan. Such an event at the  
11 St. Lucie Nuclear Plant would rapidly release an  
12 abundant amount of hydrogen, which would inundate any  
13 action mitigation systems designed to dissipate such  
14 gaseous buildup, and that a dangerous explosion of the  
15 St. Lucie Nuclear Plant containment buildings would  
16 occur and spew high level nuclear particles directly  
17 into the environment and adversely affect public  
18 health and safety, just like what happened in Japan.

19           Petitioners further contend that the NRC  
20 improperly granted FP&L and the St. Lucie Nuclear  
21 Plant, Unit 1 and Unit 2 a 20-year license extension  
22 under the Atomic Energy Act of 1954, as amended, and  
23 its relevant subsections, where such authority to  
24 grant license extensions by the NRC was misinterpreted  
25 by the NRC, as the language contained in the Act was

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1 meant to deal with NRC licensed activities at medical  
2 facilities or at medical research facilities, and not  
3 at commercial nuclear reactors, such as those  
4 operating at the St. Lucie Nuclear Power Plant.

5 For these reasons, Petitioner supplements  
6 the Original Petition filed in the instant action to  
7 request that the NRC order FP&L and the St. Lucie  
8 Nuclear Plant to immediately, or within a reasonably  
9 short period of time, bring the Unit 1 and Unit 2  
10 nuclear reactors to a cold shut down mode of  
11 operation, until such time as the licensee can have  
12 the Unit 1 and Unit 2 nuclear reactor vessel metal  
13 tested to determine exactly how brittle the metal has  
14 become, and to determine how many years, if any, that  
15 the nuclear reactors can be safely operated.

16 To the extent that the Petitioner is  
17 engaging the United States Nuclear Regulatory  
18 Commission Petition Review Board with respect to  
19 issues initially brought up on April 3, 2011 in a  
20 written petition to the Executive Director for  
21 Operations for the NRC, all the comments made today on  
22 this public record are to be considered and to be  
23 construed and to be implemented as a supplement to the  
24 Original Petition dated April 3, 2011, just the same  
25 as if they were placed in writing and submitted to the

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1 NRC along with the initial petition.

2 With respect to the previously stated  
3 concerns encompassed in the instant enforcement  
4 petition, Petitioner states that, in general, the  
5 major secondary systems of a pressurized water reactor  
6 are the main steam system and the condensate feed  
7 water system. Since the primary and secondary systems  
8 are physically separated from each other by the steam  
9 generator tubes, the secondary system should contain  
10 little or no radioactive material. During normal  
11 operation at the St. Lucie Nuclear Plant, the heat  
12 produced by the fission process is removed by the  
13 reactor coolants, and transferred to the secondary  
14 coolant in the steam generators. The secondary  
15 coolant is boiled into steam and sent to the main  
16 turbine.

17 Even after the nuclear reactor has been  
18 brought to a cold shut down mode of operation, there  
19 is a significant amount of heat produced by the decay  
20 of fission products, which is called decay heat. The  
21 amount of heat produced by decay heat is sufficient to  
22 cause fuel damage if not removed. Thus, nuclear and  
23 safety related systems must be designed and installed  
24 in the plant to remove the decay heat from the nuclear  
25 reactor core, and transfer that heat to the

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environment. The very same concerns for decay heat removal are relevant when performing maintenance activities on a reactor coolant system component at the St. Lucie Nuclear Plant, where the temperature and pressure of the reactor coolant system must be reduced low enough to allow personnel access to the equipment.

The auxiliary feed water system and the steam dump system or turbine bypass valves work together to allow the plant operators at the St. Lucie Nuclear Power Plant to remove the decay heat from the nuclear reactor. The auxiliary feed water system pumps water from the condensate storage tank to the steam generators, where the water boils to make steam. The steam can then be dumped to the main condenser through the steam dump's valves. The circulating water will then condense the steam--excuse me--the circulating water will then condense the steam and take the heat to the environment. If the steam dump system is not available, the steam can be dumped directly to the atmosphere through the atmospheric release valves. By using either method, the heat is being removed from the nuclear reactor coolant system, and the temperature of the reactor coolant system can be reduced to the desired level.

At some point, the decay heat being

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1 produced will not be sufficient to generate enough  
2 steam in the steam generators to continue the cool  
3 down. When the reactor coolant system pressure and  
4 temperature have been reduced to within the  
5 operational limits, the residual heat removal system,  
6 or RHR, will be used to continue the cool down by  
7 removing heat from the core and transferring it to the  
8 environment. This is accomplished by routing some of  
9 the reactor coolant through the residual heat removal  
10 system heat exchanger, which is cooled by the  
11 component cooling water system, or CCW.

12 The heat removed by the component cooling  
13 water system is then transferred to the service water  
14 system in the component cooling water heat exchanger.  
15 The heat picked up by the service water system will be  
16 transferred directly to the environment from the  
17 service water system. The residual heat removal  
18 system can be used to cool the plant down to a low  
19 enough temperature that personnel can perform any  
20 maintenance activities and refueling activities.

21 For the reasons stated, it is abundantly  
22 clear that the component cooling water system at the  
23 St. Lucie Nuclear Power Plant serves to remove heat  
24 from the nuclear reactor core, and is therefore a  
25 nuclear safety-related system. Thus, to the extent

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1 that the component cooling water system at the St.  
2 Lucie Nuclear Plant is a nuclear safety-related  
3 system, the operating licenses issued by the NRC to  
4 Florida Power and Light Company and the St. Lucie  
5 Nuclear Plant are required to incorporate a single  
6 failure design capability for the component cooling  
7 water system at Unit 1 and at Unit 2.

8 To the extent that the licensee has  
9 apparently admitted to the NRC that the St. Lucie  
10 Nuclear Plant Unit 1 was licensed by the NRC, not  
11 requiring the incorporation of a single failure design  
12 capability for the component cooling water system,  
13 the NRC must find that the licensee's operation of the  
14 nuclear reactors at the St. Lucie Plant is in  
15 violation of NRC federal safety regulations, standards  
16 and requirements under 10 CFR Part 50, and issue a  
17 confirmatory order requiring the licensee to bring the  
18 St. Lucie Nuclear Plant Unit 1 and Unit 2 to a cold  
19 shut down mode of operation to protect public health  
20 and safety in these circumstances.

21 Petitioners further request that the NRC  
22 issue a notice of violation and a civil penalty in a  
23 monetary amount of \$500,000 to insure for the  
24 protection of public health and safety by emphasizing  
25 the severity of the licensee's violation and need for

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1 prompt remedial corrective action, and long-lasting  
2 corrective action to prevent a repetitive violation  
3 with respect to the component cooling water system.

4 As everyone at this meeting is surely  
5 aware, there are currently three nuclear reactors in a  
6 full melt down scenario in the country of Japan, where  
7 the containment buildings have exploded and various  
8 levels of nuclear radiation and radioactive particles  
9 have spewed into the environment, and continue to spew  
10 into the environment, where the reactor fuel--fuel  
11 inside the reactor core has melted through the  
12 containing pipes, the fuel assemblies, through the  
13 bottom of the reactor vessel, and through the  
14 containment structure itself into the environment,  
15 contaminating drinking water in the country of Japan,  
16 and spreading the contamination by air, land and sea  
17 throughout the world.

18 There's been radioactive iodine-131  
19 monitored here in various states within the  
20 continental United States, and by some expert  
21 accounts, there is actual radioactive contamination on  
22 food products. The events in Japan cannot be  
23 understated, and it is doubtful that the government  
24 and the plant operator will ever gain control of those  
25 nuclear reactor vessels to bring them to a cold shut

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1 down mode of operation, and I fear that the situation  
2 was out of control within hours of the earthquake and  
3 tsunami, and that it continues to be completely out of  
4 control, and the severity of that accident is only  
5 going to grow and become greater, and harm more and  
6 more people, not only in the country of Japan, but  
7 around the United States.

8 Here, in our country, we have 104 nuclear  
9 reactors that are licensed for operation by the United  
10 States NRC, and are operating in this country. Two of  
11 those reactors are at the St. Lucie Nuclear Power  
12 Plant. A recent media release by Associated Press, it  
13 spoke very broad, encompassing and pervasive terms  
14 about how the NRC as a regulator is failing to protect  
15 public health and safety over the years concerning the  
16 commercial operation of these nuclear reactors. And I  
17 won't go into any length of discussing that report,  
18 because it's a matter of public record. The video  
19 part of that is posted on our website if anyone wants  
20 to view it. But it shows time and time again that the  
21 NRC has relaxed their safety margins, their safety  
22 requirements and their safety standards to allow these  
23 nuclear reactors to continue in operation.

24 And my concern here is that the NRC over  
25 the years and over the life span of the two nuclear

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1 reactors operating at the St. Lucie Nuclear Power  
2 Plant, that the NRC has relaxed its safety margins  
3 with respect to the degree of embrittlement that those  
4 nuclear reactor vessels are allowed to have and  
5 continue to operate. So what was once a safety  
6 standard early on when the reactors were licensed by  
7 the NRC, it is my belief and understanding, and fully  
8 supported by the Associated Press investigative  
9 findings, that the NRC over the years has relaxed  
10 those safety requirements with respect to  
11 embrittlement of the reactor vessels, and that those  
12 reactor vessels are dangerously brittle and could  
13 shatter, and if that event occurred, that would be a  
14 LOCA, what's called a loss of coolant accident.

15 There is no way to recover from that  
16 accident, and I don't care how many fire trucks you  
17 back up to the St. Lucie Plant; I don't care how much  
18 sea water you dump in there; those reactors are going  
19 to melt down because the water is not going to be  
20 cooling the core of that reactor; that fuel will melt  
21 immediately and the containment buildings will explode  
22 because it'll be such huge amount of hydrogen released  
23 from the heat generated in that melt down, they will  
24 explode. And the public will be harmed exactly the  
25 same way as the public in Japan is being harmed from

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1 those three reactors that are still melting down and  
2 still spewing high level radiation in the environment.

3 The public has no alternative but to turn  
4 to the Nuclear Regulatory Commission in this country  
5 to bring these issues to light, to get them resolved,  
6 and to insure for public protection from a nuclear  
7 disaster comparable to what's going on in Japan. We  
8 the public have no other agency to turn to. NRC is  
9 that--Congress in 1974, through the Energy  
10 Organization Act, the NRC is responsible; in fact, it  
11 is their mandate to protect public health and safety  
12 in the environment with respect to commercial nuclear  
13 plant operations and with respect to medical radiation  
14 usage also.

15 So that's why we're here today. That's  
16 why myself, as a member of the public, filed an  
17 enforcement petition under NRC's own regulations, to  
18 get the attention of the NRC that there's something  
19 very, very wrong going on at the Florida Power and  
20 Light Nuclear Power Plant. And apparently, the NRC  
21 has some very experienced and very qualified people  
22 who went in on these special inspection teams and made  
23 the determinations that they did in their enforcement  
24 documents. But that's not enough. You know, the  
25 public should have had the benefit of those inspection

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1 findings back in 2008, and the corrective actions  
2 should have been taken then.

3 When I worked at the St. Lucie Nuclear  
4 Plant years ago, believe me, it was a very  
5 professional attitude, high-quality managers there,  
6 high-quality technicians; I was an instrument control  
7 technician; I even went to Reactor Operator School for  
8 a short time there. And we had station procedures to  
9 work with to do our maintenance activities, to do our  
10 surveillance testing, to do refueling outage  
11 activities and the like, and to operate the power  
12 plant. And with the skill level of the instrument  
13 control people and the maintenance electricians and  
14 other craft in the plant, the mechanics and such, was  
15 such a high level that we weren't required by the NRC  
16 to have what's called verbatim compliance to  
17 procedures, meaning if you had a procedure that had 20  
18 steps in it, you had to go from step one, step two,  
19 step three, all the way down, verbatim, word for word,  
20 you had to accomplish what that written procedure said  
21 on whatever maintenance activity you were working on.

22 And we didn't have to do that because the  
23 NRC was so confident in our capabilities and our work  
24 attitude, and the management at the time, that we  
25 operated the plant in a safe manner. But since, over

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1 the years, that--I am just shocked in my monitoring of  
2 the inspection reports coming from the NRC, and how  
3 the physical plant operations have degraded over the  
4 years. I mean, they have degraded pervasively across  
5 the board. You have poor management there, poor  
6 management oversight of licensed activities at the St.  
7 Lucie Nuclear Power Plant. You have a very poor  
8 safety-conscious work environment.

9 Now the NRC--I read the investigative  
10 findings by the NRC, and they said oh you know, we  
11 talked to these number of people, and we asked them  
12 these questions, and from our interviews, you know, we  
13 feel that people believe they can raise nuclear safety  
14 concerns without fear of retaliation. But that's a  
15 subjective investigation, and it didn't go quite far  
16 enough. You have to have your resident NRC inspectors  
17 monitoring that plant more thoroughly on a daily  
18 basis, and following up. You know, those inspectors  
19 that wrote these reports should have went to the  
20 corrective action program to follow through a number  
21 of these instances where concerns were raised that had  
22 some aspect of nuclear safety, and see how they were  
23 dealt with. How timely were they dealt with? Were  
24 they dealt it, were some ignored, or is there a  
25 backlog of these type of--and who raised these

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1 concerns, and what happened to these employees after  
2 they raised these concerns?

3           There's none of that follow up. There was  
4 no inspection activities in those areas whatsoever.  
5 So, I've been complaining to the NRC for the better  
6 part of 20 some years; there's a hostile work  
7 environment, a poor safety culture at the St. Lucie  
8 Nuclear Plant, and it's a Turkey Point nuclear power  
9 plant, which Florida Power and Light Company also  
10 operates. So over the years, the overall performance  
11 has degraded in that area also, and it's degraded in  
12 maintenance activities, where you have this air  
13 intrusion event occur over two years ago, you know,  
14 and the NRC has just now in 2010 taken enforcement  
15 action, and even then, in the NRC's own inspection  
16 activity reports say what measures the licensee plans  
17 to take or will take, it doesn't mean--they haven't  
18 even any corrective actions yet. And why, after all  
19 these years of operation, is the NRC still finding  
20 that there are significant problems with the  
21 licensee's station procedures, which are part of their  
22 technical specifications, which are encompassed in the  
23 plant's license within the final safety analysis  
24 review?

25           These are significant safety issues that

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1 have a very far reach, and could cause a very  
2 significant nuclear accident at the St. Lucie Nuclear  
3 Power Plant. And obviously, you have a training issue  
4 here, and you have a work force that isn't very  
5 technically competent, and management which don't  
6 properly oversee the work force. So you have to take  
7 a broad look at these nuclear power plants, the St.  
8 Lucie Nuclear Plant, and a broad look at the licensee,  
9 and we need--the public needs to have more enforcement  
10 action, more aggressive enforcement action.

11 A Yellow finding is great; but where's the  
12 civil penalty? How do you get the licensee's  
13 attention to change, to improve, to enhance and to  
14 correct, and then correct in a timely manner these  
15 serious safety violations? They were identified in  
16 2008; no penalties, you know. We're just giving you  
17 this little write up, this little warning; go ahead  
18 and operate your nuclear reactors at full power  
19 nonetheless. So they did. FPL went right ahead,  
20 because they get \$1 million a day per reactor,  
21 approximately, for keeping those reactors on line.

22 And in 2009, same problem, same system,  
23 same violation, and it's a safety-related system which  
24 serves to mitigate a nuclear accident, like what  
25 happened in Japan. And the NRC takes no enforcement

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1 action in 2009; and it's only until 2010 before the  
2 NRC gets around to issuing a Yellow finding, but no  
3 enforcement. No monetary fine. So it's like me  
4 driving my car down Interstate 95 here and speeding,  
5 and the state trooper pulls me over, Mr. Saporito, you  
6 know you were doing 100 miles an hour, and the speed  
7 limit's 65. You know, I'm going to give you this  
8 written warning, and don't let me catch you doing it  
9 again. Do you think that's going to be a deterrent to  
10 me for speeding? Of course not. I'm going to speed  
11 again.

12 But if that state trooper would have said  
13 Mr. Saporito, you were doing 100 miles an hour, and  
14 the speed limits here are 65, I'm going to have to  
15 suspend your license and I'm going to have to give you  
16 a fine of \$350, and you have to go to court. Guess  
17 what? That police officer got my attention. I've got  
18 to pay a \$300 fine; I have to go to court; my license  
19 is suspended; I've got to go ride a bike to get to  
20 work now. I'm not going to speed again. Well that's  
21 what the public wants the NRC to do. The public needs  
22 to see the NRC show some teeth when it takes  
23 enforcement action.

24 This Reactor Oversight Process is a sham,  
25 because it's a haphazard way of inspecting a nuclear

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1 power plant where you go in there on a quarterly basis  
2 and only inspect certain systems and certain  
3 processes. Prior to this process, there was a  
4 systematic assessment of licensee performance, or the  
5 SALP program, and that's the program that was in force  
6 when I worked at the Florida Power and Light Company,  
7 the St. Lucie Nuclear Plant. And that was a very  
8 thorough inspection by the NRC. I've read those  
9 reports, and you can be confident that every system,  
10 operations, maintenance, procedures, health physics,  
11 everything was looked at. And the NRC made some very  
12 specific findings back then, and the NRC took  
13 enforcement action back then; they issued hundreds of  
14 thousands of dollars in fines.

15 But something happened. When that program  
16 ended, and the ROP program came into being, and the  
17 enforcement actions, it just went off the chart.  
18 There was no more enforcement actions. It went off  
19 the radar, so to speak. Then, the NRC through a  
20 change of politics in Washington, the new President  
21 was elected, and Chairman Greg Jaczko got appointed  
22 there as the Chairman, and his position is that you  
23 know, well, we're just going to increase inspection  
24 activities if we find a violation. That's not going  
25 to serve the purpose; it's not going to protect public

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1 health and safety; the NRC needs to wake up and start  
2 issuing heavy monetary fines.

3 Just recently, the NRC issued a Red  
4 finding for the Browns Ferry Plant; it was an improper  
5 situation there where a valve wasn't working properly,  
6 and the licensee should have picked it up on their  
7 surveillance buzzers, and they didn't, and they denied  
8 the violations, fought kicking and screaming at the  
9 enforcement conference there should be no penalty  
10 whatsoever. And it's just outrageous. But then--so  
11 there's a Red finding, but there was no monetary fine  
12 assessed against the licensee.

13 So while it's fine and dandy they got a  
14 Red finding, because that's the highest level there  
15 is, there has to be a fine attached to that to get  
16 their attention, and it has to be six or seven  
17 figures. In that situation, there should have been a  
18 suspension of the license also. You want to get their  
19 attention, escalate an enforcement action. And that's  
20 why I'm here today. That's why I'm asking for  
21 escalated enforcement actions. We're talking about  
22 Florida Power and Light Company, repetitive  
23 violations, same violation occurred over more than one  
24 year, a couple of years. And they admit they have  
25 problems in management, they have problems with their

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1 procedures. They have a design problem with the  
2 system itself. There's a problem with the work  
3 culture out there, there's a problem with training and  
4 the maintenance activities that are going on out  
5 there.

6 There's obviously a problem with the  
7 performance of the NRC's site resident inspectors. I  
8 mean, my goodness, what are these people doing out  
9 there? Are they grabbing a cup of coffee and shooting  
10 the breeze with the operators in the control room  
11 every day? Is that the extent of their activities?  
12 Aren't they going around with a note pad, taking  
13 notes, looking at system line ups, looking at  
14 equipment operations, watching maintenance workers as  
15 they perform surveillance testing, monitoring  
16 activities during refueling outages. You know, where  
17 is all of their reports?

18 You know, if I was a regional  
19 administrator Region II, and I understand there's a  
20 new fellow there, Mr. McCree, and thank God that they  
21 replaced the old fellow, and hopefully this new fellow  
22 will take more aggressive enforcement action, but  
23 McCree should be demanding that all resident  
24 inspectors under his authority under Region II--

25 MR. ORF: Excuse me--

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1 MR. SAPORITO: --provide him a written  
2 response of what the hell they're doing every--

3 MR. ORF: Mr. Saporito?

4 MR. SAPORITO: Yes sir?

5 MR. ORF: We're coming up on 3:30 if you'd  
6 like to start summarizing.

7 MR. SAPORITO: Well okay, that's fine.  
8 I'll just summarize in saying that we want enforcement  
9 action from the NRC with respect to the license  
10 activities that are going on at the St. Lucie Nuclear  
11 Power Plant, where the licensee has, on more than one  
12 occasion, been found to have violated NRC federal  
13 safety standards and regulations under 10 CFR Part 50.  
14 And we believe that the NRC's conduct in these  
15 circumstances is outrageous and cannot be timely  
16 corrected in the manner which will preserve and  
17 protect public health and safety if these nuclear  
18 reactors are allowed to continue operation at full  
19 power, and that the NRC should order their immediate  
20 shut down so the licensee can take the corrective  
21 actions needed on the broad spectrum of problems that  
22 have been identified by the Agency, and so those  
23 reactor vessels can be properly tested to see how  
24 brittle they are. And at this time, I'll stay on the  
25 line to answer any questions from the NRC, the

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1 licensee, or the public who may be attending this  
2 conference.

3 MR. ORF: Thank you, Mr. Saporito.

4 MR. LEE: At this point, does the staff  
5 here at headquarters have any questions for Mr.  
6 Saporito? How about the Region?

7 MR. ROSE: No questions from the Region.

8 MR. LEE: Does the licensee have any  
9 questions?

10 MR. HAMRICK: No.

11 MR. LEE: Mr. Saporito, thank you for  
12 taking time to provide the NRC staff with clarifying  
13 information on the petition you have submitted.  
14 Before we close, does the court reporter need  
15 additional information for the teleconference  
16 transcript?

17 MR. SAPORITO: Mr. Chair, this is Mr.  
18 Saporito, I'm sorry to interrupt, but I would ask if  
19 you would please ask if there are any members of the  
20 public who might want to ask a question.

21 MR. LEE: Okay, thank you for reminder.  
22 Before I conclude the teleconference, members of the  
23 public may provide comments regarding the petition and  
24 ask questions about the 2.206 petition process.  
25 However, as stated at the opening, the purpose of this

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1 teleconference is not to provide an opportunity for  
2 the petitioner or the public to question or examine  
3 the PRB regarding the merits of the petition request.  
4 Is there any member of public that wants to ask a  
5 question or make a comment? Okay, I think that's a  
6 no. So with that, this teleconference is concluded,  
7 and we will be terminating the telephone connection.  
8 Thank you.

9 (The telephone conference was concluded at  
10 3:26 p.m.)  
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