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H.B. Robinson Plant

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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

H.B. ROBINSON PLANT

+ + + + +

TUESDAY, JUNE 14, 2011

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The conference call was held, John Lubinski, Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS

JOHN LUBINSKI, Chairman, Petition Review Board

TRACY ORF, Petition Manager

TANYA MENSAH, PRB Coordinator

NRC HEADQUARTERS STAFF

SEAN CURRIE, Office of Nuclear Reactor Regulation

JAMES DODSON, Region 2 Division of Reactor Projects

DOUG BROADDUS, Office of Nuclear Reactor Regulation

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P R O C E E D I N G S

3:02 p.m.

MR. ORF: This is the Petition Review Board meeting with Mr. Saporito on his petition for the H.B. Robinson plant. 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, Mr. Thomas Saporito to address the Petition Review Board regarding his 10 CFR 2.206 petition dated May 12th, 2011.

I am the petition manager for the petition. The Petition Review Board chairman is Mr. John Lubinski. As part of the Petition Review Board or PRB's review of this petition, Thomas Saporito has requested this opportunity to address the PRB.

This meeting has been scheduled from 3:00 to -- to 4:00 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. As we go around the room, please be sure to clearly state your name, your position and

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1 the office that you work for within the NRC, for the
2 record.

3 I'll start off. My name is Tracy Orf.
4 I'm project manager for -- for St. Lucie Plant, and I
5 work in the office of Nuclear Reactor Regulation.

6 MR. CURRIE: Sean Currie. I work for the
7 Office of NRR. I'm an operator licensing examiner.

8 MR. LUBINSKI: John Lubinski. I'm
9 currently the acting director of the Division of
10 Component Integrity in the Office of Nuclear Reactor
11 Regulation.

12 MS. MENSAH: Tanya Mensah. I'm the 2.206
13 coordinator. I work in NRR Division of Policy and
14 Rulemaking.

15 MR. BROADDUS: Doug Broaddus. I'm the
16 branch chief and I also work in NRR.

17 MR. ORF: We've completed the
18 introductions at NRC Headquarters. At this time, are
19 there any NRC participants from headquarters on the
20 phone? Are there any NRC participants from the Region
21 on the phone?

22 MR. DODSON: From the Region, Jim Dodson,
23 senior project engineer, reactor projects branch 4
24 Region 2.

25 MR. ORF: Okay. Are there any

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1 representatives from the licensee on the phone? Okay,
2 hearing none, Mr. Saporito, would you please introduce
3 yourself for the record?

4 PETITIONER SAPORITO: Yes. This is Thomas
5 Saporito. I'm the senior consulting associate,
6 Saproani Associates based in Jupiter, Florida.

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

12 I'd like to emphasize that we each need to
13 speak clearly and loudly to ensure that the court
14 reporter can accurately transcribe this meeting. If
15 you do have something that you would like to say,
16 please first state your name for the record.

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

23 At this time, I'll turn it over to the PRB
24 chairman.

25 CHAIRMAN LUBINSKI: Thank you. Good

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1 afternoon, this is John Lubinski, the chairman of this
2 review board. I'd like to welcome you to this meeting
3 regarding the 2.206 petition submitted by Mr.
4 Saporito.

5 I'd like to first share some background on
6 our process. Section 2.206 of Title 10 of the Code of
7 Federal Regulations describes the petition process,
8 the primary mechanism for the public to request
9 enforcement action by the NRC in a public process.

10 This process permits anyone to petition
11 the NRC to take enforcement-type action related to NRC
12 licensees or licensed activities. Depending on the
13 results of this -- of this evaluation, NRC could
14 modify, suspend or revoke an NRC issued license or
15 take any other appropriate enforcement action to
16 resolve a problem.

17 The NRC's staff guidance on the
18 disposition of 2.206 petition request is in Management
19 Directive 8.11, which is publicly available. The
20 purpose of today's meeting is to give the petitioner
21 an opportunity to provide any additional explanation
22 or support for the petition before the Petition Review
23 Board's initial consideration or recommendation.

24 This meeting is not a hearing, nor is it
25 an opportunity for the petitioner to question or

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1 examine the PRB on the merits or the issues presented
2 in the petition request. No decisions regarding the
3 merits of this petition will be made at this meeting.

4 Following this meeting, the
5 Petition Review Board will conduct its internal
6 deliberations. The outcomes of this internal meeting
7 will be discussed with petitioner. The Petition
8 Review Board typically consists of a chairman, usually
9 a manager at the senior executive service level at the
10 NRC.

11 It has a petition manager and a Petition
12 Review Board coordinator. Other members of the board
13 are determined the NRC staff based on the content of
14 the information in the petition request.

15 At this time I would like to introduce the
16 Board. I am John Lubinski a senior executive service
17 level manager at the NRC, and I will be the Petition
18 Review Board chairman. Tracy Orf is the petition
19 manager for the petition under discussion today.

20 Tanya Mensah is the office's Petition
21 Review Board coordinator. Our technical staff
22 includes Sean Currie from the Office of Nuclear
23 Reactor Regulations Operator Licensee and Training
24 branch, and James Dodson is a senior project engineer
25 with NRC's Region 2 office, Division of Reactor

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1 projects.

2 As described in our process, the NRC staff
3 may ask clarifying questions in order to better
4 understand the petitioner's presentation and to reach
5 a reasoned decision whether to accept or reject a
6 petitioner's request for review under 2.206 process.

7 I would like to summarize the scope of the
8 petition under consideration and the NRC activities to
9 date. On May 12th Mr. Saporito submitted to the NRC a
10 petition under 2.206 regarding the H.B. Robinson
11 Plant.

12 In this petition request Mr. Saporito's
13 areas of concern was the risk of reactor core damage
14 during the event was high. Mr. Saporito's request
15 that the NRC suspend or revoke the operating license
16 for the H.B. Robinson Plant and issue a Notice of
17 Violation with a proposed civil penalty against the
18 licensee for the H.B. Robinson Plant.

19 Allow me to discuss the activities to
20 date. On May 25th, the petition manager contacted
21 you, Mr. Saporito, to discuss the 10 CFR 2.206
22 petition process and to offer you an opportunity to
23 address Petition Review Board by phone or in person.

24 You requested to address the Petition
25 Review Board by phone prior to its initial meeting to

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1 make the initial recommendation to accept or reject
2 the petition for review. As a reminder for the phone
3 participants, please identify yourself if you make any
4 remarks, as this will help us in preparation for the
5 meeting transcript that will be made publicly
6 available.

7 Mr. Saporito, I'll turn it over to you to
8 allow you to provide any additional information you
9 believe the Petition Review Board should consider as
10 part of this petition. Again, I remind those on the
11 phone that when not speaking, please keep your phone
12 on mute. Mr. Saporito?

13 PETITIONER SAPORITO: Good afternoon,
14 everyone. My name is Thomas Saporito, and I am the
15 senior consulting associate, saprodaniassociates.com,
16 based in Jupiter, Florida.

17 Following significant events at Progress
18 Energy H.B. Robinson Nuclear Plant, a licensee earlier
19 this year, Saprodani Associates, represented by,
20 through and with me, collectively the petitioner,
21 filed an enforcement petition with the NRC on April
22 17th, 2011 seeking escalated enforcement action to be
23 taken against the licensee and its chief executive
24 officer, William D. Johnson, and that the NRC, 1,
25 suspend or revoke the NRC license granted to the

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1 licensee for operation of the H.B. Robinson Nuclear
2 Plant.

3 And 2, that the NRC issue a Notice of
4 Violation with a proposed civil penalty against the
5 licensee. Now, before I continue with the specifics
6 here, I have to say for this record, my absolute shock
7 that the licensee is not represented at this public
8 meeting today.

9 It is a showing, in my opinion, of the
10 rank disregard for the -- for public health and safety
11 in these circumstances where such significant
12 violation of NRC safety federal regulation and safety
13 standard at the H.D. Robinson Plant has unfolded, and
14 -- and they're not -- they're not here attending this
15 meeting in any manner, shape or form to any
16 representative to learn what additional information
17 from this important meeting could be obtained from
18 myself and from other participants at this meeting.

19 That information could be invaluable to
20 the licensee to further enhance and correct the
21 deficiencies which will be discussed today. The NRC
22 should consider the licensee's failure to attend this
23 meeting to be consistent with the poor performance
24 that has been demonstrated at the H.B. Robinson Plant
25 over the years, which has prompted the NRC to take and

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1 place the Robinson Nuclear Plant on a list of those
2 which are highly monitored by the NRC, and those that
3 are a hand full of worse operated nuclear plants in
4 the United States.

5 For these reasons, it would stand the
6 reason that the licensee would make a best effort to
7 be represented at this meeting, and they are not
8 represented here today. I sincerely feel sorry for
9 those public citizens living near and around the H.B.
10 Nuclear Plant where the licensee has demonstrated
11 today, by its absence from this public meeting a rank
12 disregard for the public health and safety.

13 Continuing on, specifically, on March
14 28th, 2010, a chain of significant events unfolded at
15 the H.B. Robinson Nuclear Plant which endangered
16 public health and safety as followed: an electrical
17 cable shorted and started a fire at the nuclear plant.

18 A circuit breaker designed to
19 automatically open and the energized power to the
20 shorted electrical cable failed allowing electric
21 current to flow through the short circuited electric
22 cable to ground resulting in reduced voltage in the
23 circuit.

24 The subject electrical circuit, which
25 normally supplies electrical power to a circulating

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1 water pump to cool the reactor core, experienced a
2 drop in power causing the pump's output to decrease
3 which caused the nuclear reactor to trip or scram.

4 The electrical problems damaged the main
5 power transformer between the nuclear plant and the
6 associated electrical grid resulting in the loss of
7 electrical power to about one half of the nuclear
8 plant's equipment.

9 The loss of electrical power caused valves
10 on drain lines to remain open, allowing heat to escape
11 from the nuclear reactor more rapidly than normal.
12 However, the plant licensed operators failed to notice
13 the open drain valves or abnormally fast cool down of
14 the nuclear reactor.

15 For nearly an hour licensed plant
16 operators failed to notice that pumps transferring
17 water from a tank to the nuclear reactor vessel failed
18 to automatically realign. Four hours into the event,
19 license plant operators improperly and in violation of
20 station procedures attempted to restore power to the
21 de-energized electric circuit without first ensuring
22 that the original fault had been repaired, which it
23 had not.

24 Consequently, when licensed plant
25 operators improperly closed the electrical breaker to

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1 re-power the circuit, electrical power was once again
2 applied to the original short circuited electrical
3 cable which started another fire at the nuclear plant.

4 The electric -- electrical disturbance
5 triggered alarms on both sets of station batteries,
6 prompting a licensee to declare an emergency alert.
7 On January 31st, 2011, the NRC issued a Notice of
8 Violation to the licensee for two violations
9 associated with two such significant determination
10 process findings, specifically, on March 28th, 2010,
11 following a reactor trip, the licensee, 1, failed to
12 take required procedural action to stop an
13 uncontrolled cool down that resulted in a safety
14 injection.

15 2, failed to identify a loss of component
16 cooling water flow to the thermal barrier heat
17 exchangers, coincident with failure to identify a loss
18 of charging pump suction that resulted in inadequate
19 seal injection flow.

20 3, re-energized electrically faulted
21 equipment, that damaged surrounding equipment and
22 resulted in electrical ground alarm, which required an
23 alert emergency declaration. In addition, the NRC
24 found that prior to March 28th, 2010, the licensee's
25 training lesson material failed to identify the basis

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1 of the procedural actions involving reactor coolant
2 pump, seal cooling as required by systems approach to
3 training as defined in 10 CFR 55.4.

4 Petitioner asserts here that the
5 licensee's actions at the H.B. Robinson Nuclear Plant
6 endangered public health and safety from the
7 consequences of a serious nuclear accident similar to
8 the ongoing nuclear disaster unfolding in the country
9 of Japan, and that the NRC must take meaningful
10 escalated enforcement action against the licensee
11 beyond the agency's January 21st, 2011 escalated
12 enforcement action to protect public health and safety
13 in these circumstances.

14 Petitioners request, 1, that the NRC
15 suspend or revoke the NRC licenses issued to the
16 licensee authorizing operation of the H.B. Robinson
17 Nuclear Plant for a one year period of time to provide
18 the licensee with sufficient opportunity to address
19 and to correct needed areas of improvement at the
20 nuclear plant, and 2, that the NRC issue a Notice of
21 Violation with a civil penalty in the amount of
22 \$500,000 against the licensee to make certain that the
23 licensee realizes the very serious nature of the
24 violation and the endangerment to public health and
25 safety, and to ensure that a recurrence of these types

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1 of violations is prevented.

2 Background, the petitioner contends that
3 the NRC has failed in its congressional mandate to
4 protect public health and safety in these
5 circumstances where the agency was apparently
6 complacent in its duty and allowed the licensee's
7 operations at the H.B. Robinson Nuclear Plant to
8 seriously degrade over years of operation to such an
9 extent that could cause a serious sequence of events,
10 stated earlier, and which formed the basis of the
11 agency's Notice of Violation issued to the licensee.

12 Notably, on May 16th, 1996, the NRC issued
13 a Notice of Violation, severity level 3, to the
14 licensee for failure to secure Safeguards Information
15 at H.B. Robinson Nuclear Plant.

16 On December 12th, 1997, the NRC issued a
17 Notice of Violation, severity level 3, with a \$55,000
18 civil penalty to the licensee for the inoperability of
19 the Emergency Diesel Generator at the H.B. Robinson
20 Nuclear Plant.

21 On March 4th, 1998, the NRC issued a
22 Notice of Violation, severity level 3, to the licensee
23 for safety injection pumps outside design basis due to
24 NPSH at the H.B. Robinson Nuclear Plant.

25 On April 7th, 2004, the NRC issued a

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1 Notice of Violation, severity level 2, with an \$88,000
2 civil penalty for discriminating against the former
3 corporate superintendent of Site Access Authorization
4 for raising safety concern at the H.B. Robinson
5 Nuclear Plant.

6 On December 7th, 2010, the NRC issued a
7 Notice of Violation for failure to identify and
8 correct on a problem associated with the B Emergency
9 Diesel Generator output breaker in 2008. And again,
10 in 2009 a similar malfunction caused the Emergency
11 Diesel Generator to be declared inoperable for a
12 period greater than technical specification.

13 In addition, the NRC issued a Notice of
14 Violation, severity level 3, for submitting materially
15 inaccurate information which stated that the breaker
16 was tested in accordance with a maintenance procedure.

17 And the licensee had not conducted full testing in
18 accord with the procedure.

19 Discussion; as stated immediately earlier
20 here, there's a gap in the NRC enforcement action,
21 from April 7th, 20, excuse me, from April 7th, 2004 to
22 December 7th, 2010, approximately six year gap.

23 In addition to this here, that is
24 significant. What happened to the NRC's oversight of
25 the H.B. Robinson Nuclear Power Plant during that six

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1 year period of time, from April 7th, 2004 to December
2 7th, 2010?

3 It is -- it is not reasonable to believe
4 by reasonably minded individual or any American
5 citizen that the United States government regulator
6 and the United States Nuclear Regulatory Commission,
7 in a period of six years, did not cite the licensee,
8 the H.B. Robinson Nuclear Power Plant for a single
9 violation in that entire period of time.

10 It's -- it's incredible. And -- and I
11 contend that it -- that it's impossible. It's only
12 possible -- it's impossible if the regulator was doing
13 its job. It's impossible if the NRC was complacent
14 and negligent and if congressional mandate could
15 protect public health and safety in the oversight at
16 the H.B. Robinson Nuclear Plant.

17 For this reason alone petitioners demand
18 that the NRC Petition Review Board provide a copy of
19 these record transcripts made this date to the NRC,
20 Office of the Inspector General to enable that agency
21 the ability to make a determination whether the NRC
22 should be investigated for its lack of proper
23 oversight during the six year gap from April 7th, 2004
24 to December 7th, 2010 in connection with operation at
25 the H.B. Robinson Nuclear Power Plant.

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1 I bring to the attention of the Petition
2 Review Board an article dated June 4th, 2011
3 apparently posted on the state of South Carolina's
4 homepage on the internet. Just a highlight to this
5 article, talks about a statement made by the NRC
6 chairman, Gregory Jaczko, J-A-C-Z-K-O.

7 He is quoted as saying, "There have
8 already been changes as a result of the things that we
9 found. What the inspection is really doing is trying
10 to determine whether those changes are appropriate and
11 whether they satisfy and address what really are the
12 ultimate underlying problems or underlying issues"

13 The chairman's talking about the H.B.
14 Robinson plant and the significant events which I have
15 just outlined to the Petition Review Board today.
16 Article also says states here that Progress Energy
17 officials don't dispute the problem in Hartsville, but
18 say they are revisiting hundreds of written procedures
19 and redoubling efforts to train staff members.

20 I mean, that statement alone from the
21 licensee should raise red flags with the Petition
22 Review Board. When the licensee is -- has to go back
23 and revisit hundreds, hundreds of written station
24 procedures, which the licensed nuclear operators rely
25 upon in the operation of that nuclear power plant,

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1 when -- when that nuclear power plant has been
2 operating for years.

3 It was issued a license by the NRC, July
4 31st, 1970. 1970. And -- and now, what, 40 years
5 later -- 40 years later the licensee is now going to
6 revisit all these procedures which they have been
7 relying on to allegedly be operating this nuclear
8 plant within NRC requirements under 10 CFR Part 50.

9 There's something very, very, very
10 troubling going on at the H.B. Robinson Nuclear Plant,
11 which the NRC Petition Review Board should
12 investigate. The, excuse me for one second while I
13 grab another paper here. All right. There is a
14 correlation here to be drawn upon which I would like
15 to bring to the Petition Review Board's attention.

16 And that is this, everyone is fully aware
17 of the ongoing nuclear crisis resulting from an
18 earthquake and tsunami which damaged several nuclear
19 reactors at the Japanese Fukushima Daiichi Nuclear
20 Facility.

21 Currently the licensee finally has
22 admitted that at least three reactors, suspect there
23 were four, nuclear reactors in a full meltdown
24 scenario this time. High levels of radiation were
25 spewed into the environment through the air and

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1 through the ground water and over the land.

2 Now there are -- there are then monitoring
3 and detection efforts which have shown cesium,
4 plutonium, radioactive iodine and other radioactive
5 materials that there spewed well outside the protected
6 area of the plant, well outside the evacuation zone of
7 the plant.

8 Have displaced tens of thousands of
9 people.

10 (Telephonic interference)

11 MR. SAPORITO: Am I still on the line here?

12 CHAIRMAN LUBINSKI: Mr. Saporito, you're
13 still on the line. We're not sure what that was. But
14 I will ask, has anyone else joined the phone call?

15 OPERATOR: This is headquarters operation,
16 sir. I was just putting a recorder in the bridge.

17 CHAIRMAN LUBINSKI: A recorder for
18 recording the call?

19 OPERATOR: That is correct.

20 CHAIRMAN LUBINSKI: Okay, thank you. I
21 appreciate that clarification. Sorry for that
22 interruption, Mr. Saporito.

23 MR. SAPORITO: Okay, thank you. Now, the
24 Fukushima nuclear disaster, the investigation is still
25 going on and to analyze all the consequences why that

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1 event occurred. And only history will bear the fruit
2 of those investigations.

3 However, it can be said for certain that
4 the GE Mark I nuclear reactors that failed over there
5 failed because -- in part because they were poorly
6 designed. They should have never been licensed by the
7 Atomic Energy Commission in the United States and or
8 the United States Nuclear Regulatory Commission in the
9 first place, because they were known to be defective
10 designs.

11 However, they were installed, and they
12 were operated. We had an earthquake. Tsunami came
13 in, took out the emergency diesel generators because
14 they were located below the reactor vessels out in a
15 basement, and without decay heat removal from a
16 nuclear reactor, we all know that the nuclear fuel
17 melts and results in a reactor fuel meltdown of a
18 nuclear reactor core where the fuel melts through the
19 bottom of the reactor vessel and through the
20 containment and into the environment.

21 And that's what's happening right now with
22 at least three nuclear reactors at the Fukushima Power
23 Plant. The same type of reactors are over here.
24 There's 23 here in the United States. But the point
25 to be made here is whatever the root cause or causes

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1 ultimately are identified with resolve to the Japanese
2 ongoing nuclear disaster.

3 The initiating event was an earthquake and
4 followed by a tsunami. But history tells us very
5 clearly that the Three Mile Island nuclear accident,
6 which happened in the United States and prior to that
7 the Chernobyl nuclear accident, which happened in --
8 in Russia.

9 Those two nuclear reactions were
10 significant. They were severe, and they released
11 radiation into the environment, and adversely affects
12 the public health and safety in very significant ways.

13 However, those two nuclear reactors at Chernobyl and
14 the Three Mile Island Nuclear accident were a result
15 of human error.

16 Human error caused those -- those
17 accidents, not an act of God. And that goes hand in
18 hand with the events I've described today and the
19 events that are described in -- in the petition and
20 the calamity of human error and -- and resulting
21 events, serious events, at H.B. Robinson Nuclear
22 Plant, which could very well likely resulted in a
23 complete meltdown, the nuclear reactor core at the
24 H.B. Robinson Nuclear Plant.

25 There would have been an uncontrolled

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1 nuclear meltdown, and there would have been, most
2 likely, a hydrogen explosion, a breach of containment
3 and release of high level radioactive particulate,
4 which would endanger public health and safety to a
5 very, very great degree.

6 Now, the other -- other area of concern I
7 want to bring to the light of the Petition Review
8 Board's attention today the scram of that -- that was
9 initiating event at the H.B. Robinson Plant, which is
10 the subject matter of the -- of the instant petition.

11 The scram event or the event where the
12 reactor trips off-line either automatically or
13 manually intended reactor trip, that causes a
14 tremendous amount of stress to the entire nuclear
15 reactor system and equipment.

16 The reactor vessel itself is -- is made in
17 part of stainless steel and other metals. And that
18 metal becomes embrittled over years and years of being
19 bombarded by high level nuclear radiation. Radiation
20 is produced during a fission process.

21 Alpha particles, beta particles, gamma
22 particles, et cetera. Over time -- now, I -- I talked
23 earlier, this plant was licensed in 1970. And here we
24 are in 2011. So that reactor's operating at the end
25 of its safety design basis.

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1 And it most likely should be
2 decommissioned and not operating, in our opinion.
3 Nonetheless, it's operating, and it is reasonable to
4 believe that the reactor vessel is embrittled, and to
5 some degree. To what degree, that would have to be
6 ascertained by destructive testing.

7 Because the reactor vessel's embrittled,
8 every time the reactor is scrammed that reactor vessel
9 is stressed, and all the nuclear support systems are
10 stressed. If that reactor vessel cracks, you're going
11 to have a reactor full meltdown of the nuclear reactor
12 core.

13 There is nothing on this planet that will
14 stop it, because the water inventory inside that
15 nuclear reactor vessel will spew out of that crack and
16 it causes the -- the metals embrittle. They could
17 actually have a huge crack or even shatter to a large
18 extent.

19 The reactors over there in Fukushima, the
20 licensee recently admitted that those three reactors
21 began into a full meltdown within an hour of the
22 earthquake and tsunami. Within hours. We talked
23 earlier about events that happened at H.B. Robinson
24 plant where the operators failed to take action in --
25 in over an hour, in which case, four hours into the

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1 event, we talked about.

2 There appears to be a lack of adequate
3 training on system functionality and repair activities
4 at the H.B. Robinson Nuclear Power Plant. There
5 appears to be a lack of proper supervisory oversight
6 during repair activities at the H.B. Robinson Nuclear
7 Plant.

8 There's obviously a failure to follow
9 plant procedures at the H.B. Robinson Nuclear Power
10 Plant. There appears to be a lack of adequate
11 functional and reliable plant operating procedures at
12 the H.B. Robinson Nuclear Power Plant.

13 I talked earlier about the news article
14 which talks about the licensee revisiting hundreds of
15 written procedures. There also appear to be a lack of
16 management leadership to enhance quality at the H.B.
17 Robinson Nuclear Power Plant.

18 For all these reasons and more the NRC
19 should suspend the operating license for the H.B.
20 Robinson Nuclear Plant to provide the licensee with
21 sufficient opportunity to, 1, correct the numerous
22 deficiencies at the plant.

23 2, review and correct plant procedures.
24 3, to retrain plant operators, 4, to retrain plant
25 workers, and 5, to retrain plant supervisory

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1 personnel. It is incumbent upon the NRC, and in fact,
2 it is mandated by the United States Congress that the
3 NRC act in a meaningful and timely manner to protect
4 public health and safety in connection with operation,
5 the nuclear reactor operating at the H.B. Robinson
6 Nuclear Power Plant.

7 In our opinion, the only way the NRC can
8 adequately and sufficiently and affirmatively and
9 definitively protect public health and safety in these
10 circumstances, and in light of the history of numerous
11 severity level 3 violations at the H.B. Robinson
12 Nuclear Power Plant, and in one instance where the
13 licensee discriminated against a manager for raising
14 nuclear safety concern.

15 It is reasonable that the NRC must take
16 escalated enforcement action and suspension of the
17 licensee license to operate the H.B. Robinson Nuclear
18 Power Plant for the period of time that we mentioned
19 earlier to allow the licensee the opportunity to step
20 -- take a step back and assess the entire operations
21 at the plant.

22 I'm talking about the operator's
23 qualification, retesting the license operators,
24 retesting the maintenance technicians, maintenance
25 personnel, the supervisory personnel, managers. Have

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1 an independent evaluation of a -- of the working
2 culture and the work environment at that nuclear power
3 plant.

4 It's obviously underlying issues the
5 Nuclear Regulatory Commission's Chairman, Jaczko,
6 mentioned him as I described earlier in that news
7 article. These underlying issues have to be surfaced
8 by the NRC. And -- and it can't be done while the
9 licensee is operating the H.B. Robinson Nuclear Power
10 Plant.

11 While that nuclear reactor is under power,
12 the licensee's focus will be primarily to maintain its
13 economic interests in keeping that nuclear plant on
14 line. And the second nature will be to try to appease
15 the NRC by doing this and doing that.

16 The public demands more than that from the
17 NRC, you know. We've seen the explosion offshore of
18 the coast of New Orleans, an oil rig, because the
19 government regulator who was in charge of overseeing
20 safety at that oil rig was negligent on his job.

21 They were rubber-stamping drilling
22 applications left and right, and, you know, numerous
23 people died because of them. Environment was
24 polluted. It's going to be polluted for years to
25 come. It still has not been determined the extent of

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1 damage from that.

2 Here we're talking about a nuclear power
3 plant. Now, you know, I live in the state of Florida,
4 and I have children here and -- and family and friends
5 and a home.

6 And I don't want to be having to evacuate
7 here because something happened at the H.B. Robinson
8 Nuclear Plant where that plant explodes and spews high
9 level radioactive contamination to the environment,
10 which the prevailing winds could carry across the
11 entire state of Florida, just like what happened over
12 there in Fukushima, what happened over there in
13 Chernobyl, and what almost happened at Three Mile
14 Island, nonetheless, there was a venting of nuclear
15 reactor particulate by the licensed operator at Three
16 Mile Island.

17 So it's the NRC that must act now. This -
18 - these slap on the wrists that the NRC has been
19 issuing over the years to this H.B. Robinson Nuclear
20 Plant is not enough. It's not nearly enough. There -
21 - you need to have licensing action.

22 I -- I went through records and records
23 and records of the NRC document. I can't find a
24 single instance, not one instance where the NRC has
25 suspended or revoked a commercial nuclear plant

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1 operating license for any reason.

2 I mean, recently there was a red finding
3 by the NRC related to -- in connection with another
4 nuclear power plant. But the NRC didn't suspend the
5 license, even with a red finding. What -- what is it
6 going to take? Is it going to take deaths? Do people
7 have to die?

8 Hundreds, millions of people have to be
9 evacuated? Does the National Security and Common
10 Defense of the United States of America have to be
11 threatened from a nuclear explosion or event before
12 the NRC suspends a nuclear operating license for a
13 licensee under its jurisdiction?

14 That concludes my comments today, and I --
15 I will stay on the line to respond to any questions
16 from anybody that's participating at this meeting
17 today. Thank you very much.

18 CHAIRMAN LUBINSKI: Thank you, Mr.
19 Saporito. I appreciate the additional information you
20 provided. And at this time I also appreciate you
21 staying on the line to answer any questions we may
22 have clarifying your request.

23 We're going to start with the NRC staff
24 here at headquarters. Does anyone here at
25 headquarters have any clarifying questions for Mr.

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1 Saporito? Tanya Mensah?

2 MS. MENSAH: Yes, Mr. Saporito, this is
3 Tanya Mensah. Just had a clarification. On page 4 of
4 your petition, item 9, you mentioned the UCS report.
5 Do you have a title for that or a date? I just wanted
6 to make sure we had a reference?

7 MR. SAPORITO: On -- I'm on page 4. What
8 is the question?

9 MS. MENSAH: You say the above scenario of
10 events were gleaned by a petitioner from a report
11 issued by the Union of Concerned Scientists. But you
12 didn't reference --

13 MR. SAPORITO: Yes.

14 MS. MENSAH: I just wanted to know if you
15 have the report titled or the date.

16 MR. SAPORITO: Oh. I got that from their
17 website. I'm sure it's still posted there. They
18 leave that stuff up there forever.

19 MS. MENSAH: Okay.

20 CHAIRMAN LUBINSKI: Okay. I appreciate
21 that. Anything else, Tanya?

22 CHAIRMAN LUBINSKI: I have one question
23 and -- and one comment for you, Mr. Saporito. A
24 question early in your discussion when you were going
25 through your request for enforcement action, you had

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1 stated, I believe, and I'm trying to clarify here,
2 that you thought we should take action against the
3 CEO.

4 And when you went continued to go forward
5 and explain the specific enforcement action you
6 described your request for suspension of the license
7 for one year and the issuance of a civil penalty in
8 the amount of \$500,000 to the licensee.

9 Can you clarify whether or not you're also
10 requesting that we take specific action against the
11 CEO, and if so, the basis for that?

12 MR. SAPORITO: Yes. Yes. The CEO -- the
13 request for enforcement action -- escalating
14 enforcement action against the CEO, Mr. Johnson, is
15 included in my definition of licensee. I'm very
16 certain, and the record will -- will affirm what I'm
17 saying here, that when I identify the licensee I
18 included Mr. Johnson's name in that definition.

19 And just to clarify the record, the
20 licensee in these circumstances is -- as shown on the
21 petition itself is Progress Energy, William D. Johnson
22 and the H.B. Robinson Nuclear Power Plant. And when
23 I'm seeking escalated enforcement action I'm seeking
24 escalated enforcement action from the NRC against the
25 licensee in the context of those three entities,

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1 Progress Energy, William D. Johnson, H.B. Robinson
2 Nuclear Plant.

3 With respect and specifically in
4 connection with an enforcement action requested
5 against William D. Johnson, he -- he should be issued
6 -- an individual notice of violation should be issued
7 to him as a person in his position of authority at the
8 nuclear power plant, overseeing operations of that
9 nuclear power plant under his authority.

10 And -- and the -- there should be a
11 monetary fine assessed against him as an individual in
12 that -- in that position. And -- and we should -- we
13 also request that he be suspended from participating
14 in NRC licensed activities for a period of no less
15 than five years as a result with his failures in
16 connection with the material violations described
17 today and in our petition.

18 The other basis for taking enforcement
19 action against William D. Johnson is delineated
20 specifically in an August 10th, 2010 speech given by
21 the NRC chairman, Gregory Jaczko in which the chairman
22 specifically speaks about the responsibility of the
23 chief executive officer and the Board of Directors for
24 the licensees of the NRC, which Progress Energy
25 certainly is a licensee of the NRC.

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1 And since Mr. Johnson reports to the Board
2 of Directors to Progress Energy those -- those -- the
3 application of Chairman Jaczko's requirements and
4 expectations are captured in the August 10th, 2010
5 speech. The speech can be found on the NRC's website.

6 A copy of that.

7 CHAIRMAN LUBINSKI: Thank you. I
8 appreciate that clarification. Also during your
9 additional information, you stated that the, I
10 believe, your words you used, you demanded that the
11 transcript of this Petition Review Board meeting be
12 forwarded to our Office of the Inspector General.

13 And I just wanted to comment back that we
14 will, based on what you have provided during this
15 call, provide that information to the Office of the
16 Inspector General.

17 MR. SAPORITO: Thank you.

18 CHAIRMAN LUBINSKI: No other questions
19 here at headquarters. We're going to go to the NRC
20 staff in the Regions. I believe we only have Mr.
21 Dodson on the phone. Mr. Dodson, do you have any
22 questions for Mr. Saporito?

23 MR. DODSON: No, sir. Not at this time.

24 CHAIRMAN LUBINSKI: Okay. Now, at this
25 time, before I conclude the meeting members of the

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1 public may provide comments regarding the petition and
2 ask questions about the 2.206 petition. However, as I
3 stated at the opening, the purpose of this meeting is
4 not to provide an opportunity to petition or the
5 public to question or examine the Petition Review
6 Board regarding the merits of the petition request.

7 There was no one who identified themselves
8 at the beginning of the meeting, but that was not
9 required. So at this time I'd ask if there are any
10 members of the public who would like to provide any
11 comments or ask questions about the petition process.

12 Hearing none, I assume that there are
13 either no members of the public on the line or none
14 chose to have any questions. So at this time, Mr.
15 Saporito, I would like to thank you for taking the
16 time to provide the NRC staff, specifically, this
17 Petition Review Board, with clarifying information on
18 your petition.

19 Before we close, does the court reporter
20 need any additional information for the meeting
21 transcript?

22 COURT REPORTER: I believe I'm all right.
23 Thank you.

24 CHAIRMAN LUBINSKI: Thank you. With that,
25 this meeting is concluded, and we will be terminating

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1 the phone connection. Thank you all very much.

2 (Whereupon, the meeting was adjourned at
3 3:49 p.m.)
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