

# Official Transcript of Proceedings

“Corrected Transcript: Corrections denoted within brackets [ ]”

## NUCLEAR REGULATORY COMMISSION

Title: 2.206 Petition by Thomas Saporito

Docket Number: n/a

Location: by teleconference

Date: September 29, 2011

Work Order No.: NRC-1170

Pages 1-37

“Corrected Transcript: Corrections denoted within brackets [ ]”

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE:

NORTH ANNA POWER STATION, UNITS 1 AND 2

+ + + + +

THURSDAY

SEPTEMBER 29, 2011

+ + + + +

The conference call was held, Patrick Hiland, Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS:

PATRICK HILAND, Petition Review Board Chairman

JON THOMPSON, Petition Manager

TANYA MENSAH, 2.206 Coordinator

GUJENDRA BEDI, NRR/DCI/CPTB

KAMAL MANOLY, NRR/DE

GERALD McCOY, R-II/DRP/RPB5

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1 DAVID RAHN, NRR/DE/EICB

2 SHIH-LIANG WU, NRR/DSS/SNPB

3  
4 NRC HEADQUARTERS STAFF

5 MAURI LEMONCELLI, OGC

6 RICHARD STATTEL, NRR

7  
8 LICENSEE STAFF PRESENT:

9 MARGARET EARLE

10 PATRICK [PAGE] KEMP

11  
12  
13  
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15  
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24  
  
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## P R O C E E D I N G S

1:03 p.m.

MR. THOMPSON: On the record.

This is John [Jon] Thompson, the Petition Manager. I'd like to call the meeting to begin. First of all, I would like to thank everybody for attending this meeting. As I said, my name is John [Jon] Thompson and I'm the Petition Manager for this Petition.

We're here today to allow the Petitioner, Mr. Thomas Saporito, to address the Petition Review Board regarding the 2.206 Petition dated September 8, 2011. That is a public document for those who would like to look it up. The Petition Review Board Chairman is Patrick Hiland.

As part of the Petition Review Board's review of this Petition, Thomas Saporito has requested this opportunity to address the Petition Review Board. This meeting is scheduled from 1:00 p.m. to 2:00 p.m.

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

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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 the office that you work for within the NRC for the record. And I'll start off.

My name is John [Jon] Thompson. I'm the Petition Manager. I work in the Division of Operating Reactor Licensing.

MR. STATTEL: My name is Richard Stattel. I'm a technical reviewer in the INC [I&C] Branch of NRR.

MS. MENSAH: My name is Tanya Mensah. I'm the 2.206 coordinator in the Office of Nuclear Reactor Regulation, Division of Policy and Rulemaking.

CHAIRMAN HILAND: My name is Pat Hiland. I work in the Office of Nuclear Reactor Regulation in the Division of Engineering.

MS. LEMONCELLI: Mauri Lemoncelli. I'm with the Office of the General Counsel.

MR. WU: Shih-Liang Wu. Nuclear Performance and Code Review Branch, NRR.

MR. MANOLY: Kamal Manoly, Division of

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1 Engineering.

2 MR. BEDI: Gujendra Bedi, NRR,  
3 Department of Component Performance and Testing  
4 Branch.

5 MR. RAHN: My name is David Rahn. I'm  
6 an INC [I&C] Technical Reviewer in the Office of NRR  
7 in the Instrumental and Controls Branch.

8 MR. THOMPSON: We have completed  
9 introductions at the NRC Headquarters. At this  
10 time, are there any NRC participants from  
11 Headquarters that are on the phone?

12 (No verbal response.)

13 Hearing none, are there any NRC  
14 participants from Region II on the phone?

15 MR. MCCOY: Yes, this is Gerald McCoy.  
16 I'm in the Division of Reactor Projects, Region II.  
17 And I'm the only one here at this phone.

18 MR. THOMPSON: All right. Are there any  
19 representatives for the Licensee on the phone?

20 MR. KEMP: Yes. This is Page Kemp,  
21 Project Manager, at North Anna Power Station.

22 MS. EARLE: And this is Margaret Earle,  
23 Licensing Engineer at Innsbrook Technical Center for  
24 Dominion.

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1 MR. THOMPSON: Mr. Saporito, would you  
2 like to please introduce yourself for the record?

3 MR. SAPORITO: Yes. My name is Thomas  
4 Saporito. I'm the Senior Consultant with Saproani  
5 Associates based in Jupiter, Florida. And I'm the  
6 Petitioner in this.

7 MR. THOMPSON: Thank you. It is now  
8 requested for members of the public to introduce  
9 themselves for this call. I don't think there  
10 should be any. However, if there are any members of  
11 the public on the phone that wish to do so at this  
12 time please state your name for the record.

13 (No verbal response.)

14 Hearing none, I'd like to emphasize that  
15 we each need to speak clearly and loudly to make  
16 sure that the court reporter can accurately  
17 transcribe this meeting. If you do have something  
18 that you would like to say, please first state your  
19 name for the record and then make your remarks.

20 For those dialing into the meeting,  
21 please remember to mute your phones to minimize any  
22 background noise or distractions. If you do not  
23 have a mute button on your telephone, this can be  
24 done by pressing the keys \* and then 6. And to

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1 unmute you can press \*6 again and you'll come back  
2 on and be able to speak where people can hear you.  
3 So thank you for observing that.

4 At this time, I'll turn it over to the  
5 Petition Review Board Chairman Patrick Hiland.

6 CHAIRMAN HILAND: Good afternoon. My  
7 name is Patrick Hiland. And welcome to this meeting  
8 regarding the 2.206 Petition submitted by Mr.  
9 Saporito.

10 First, I'd like to share some background  
11 on our process. Section 2.206 of Title X [10] of  
12 the Code of Federal Regulations describes the  
13 Petition process. The primary mechanism for the  
14 public to request enforcement action by the NRC in a  
15 public process. This process permits anyone to  
16 Petition NRC to take enforcement[-]type action  
17 related to NRC licensees or licensed activities.

18 Depending on the results of its  
19 evaluation, NRC could modify, suspend or revoke NRC  
20 [-]issued license or take any other appropriate  
21 enforcement action. The NRC staff's guidance, the  
22 disposition of 2.206 Petition request, is in  
23 Management Directive 8.11 which is publicly  
24 available.

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1           The purpose of today's meeting is to  
2           give the Petition an opportunity to provide any  
3           additional explanation or support for the Petition  
4           before the Petition Review Board's initial  
5           consideration and recommendation. This meeting is  
6           not a hearing nor is it an opportunity for the  
7           Petitioner to question or examine [the] Petition  
8           Review Board on the merits or the issues presented  
9           in the Petition request. No decisions regarding the  
10          merits of this Petition will be made at this  
11          meeting.

12           Following this meeting, the Petition  
13          Review Board will conduct its internal  
14          deliberations. The outcome of this internal meeting  
15          will be discussed with the Petitioner.

16           The Petition Review Board typically  
17          consists of a chairman, usually a manager at the  
18          senior executive service level at the NRC. As  
19          explained, Patrick Hiland, that's me. I'm the  
20          Chairman of this Petition Review Board. And [and]  
21          I am at the senior executive level.

22           It has a Petition manager and a Petition  
23          Review Board coordinator. Other members of the  
24          Board are determined by the NRC staff based on the

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1 content of the information in the Petition request.

2 And very briefly, I'll go over the Petition Review  
3 Board members.

4 John [Jon] Thompson is Petition manager  
5 for the Petition under discussion. Tanya Mensah is  
6 the Office's Petition Review Board Coordinator. Our  
7 technical staff who are on the phone today include  
8 Gerald McCoy from Region II, Gurjendra Bedi from the  
9 Office of Nuclear Reactor Regulation Component and  
10 Performance and Testing Branch, Kamal Manoly from  
11 the Office of Nuclear Reactor Regulation Division of  
12 Engineering, Shih-Liang Wu from the Office of  
13 Nuclear Reactor Regulation Nuclear Performance and  
14 Code Review Branch, David Rahn from the Office of  
15 Nuclear Reactor Regulation Instrumental and Controls  
16 Branch. We also have advice from our Office of  
17 General Counsel represented by Mauri Lemoncelli.

18 As described in our process, the NRC  
19 staff may ask clarifying questions in order to  
20 better understanding [understand] the Petitioner's  
21 presentation and to reach a reasoned decision  
22 whether to accept or reject the Petitioner's request  
23 for review under the 2.206 process. The Petition is  
24 a public document available in the NRC's electronic

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1 library.

2 I would like to briefly summarize the  
3 scope of the Petition under consideration and the  
4 NRC's activities to date. On September 8, 2011, Mr.  
5 Saporito submitted to the NRC a Petition under 2.206  
6 regarding the North Anna Power Station Units 1 and  
7 2. In this Petition request, Mr. Saporito  
8 identified concerns with the safe operation of North  
9 Anna Power Station after the earthquake of August  
10 23, 2011.

11 Mr. Saporito requests that the NRC:

12 (1) take escalated enforcement action  
13 against the North Anna Power Station to suspend or  
14 revoke the licenses for that facility;

15 (2) issue a notice of violation with a  
16 proposed fine of \$1 million;

17 (3) issue an order to keep the North  
18 Anna Power Station in cold shutdown until the  
19 completion of four sets of activities described in  
20 the Petition which are meant to ensure the safety of  
21 the North Anna Power Station.

22 As the basis for this request, Mr.  
23 Saporito states that the North Anna Power Station  
24 experienced ground acceleration on August 23, 2011

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1 in excess of the design basis earthquake and that  
2 licensee inspection and testing activities at the  
3 site are incomplete.

4 But the Petitioner states that the Licensee  
5 cannot meet the requirements of the updated facility  
6 safety analysis report as a result of this event  
7 because the plant sustained damage outside the  
8 Licensee's safety design. The Petitioner also  
9 expressed concerns with the scope of testing and  
10 inspection activities for the reactor core and fuel  
11 assemblies.

12 Allow me now I want to discuss the NRC  
13 activities to date. On September 14, 2011, the  
14 Petition Manager contacted Mr. Saporito to discuss  
15 the 10 CFR 2.206 process and to offer him an  
16 opportunity to address the Petition Review Board by  
17 phone or in person. Mr. Saporito requested to  
18 address the Petition Review Board by phone prior to  
19 its internal meeting to make the initial  
20 recommendation to accept or reject the Petition for  
21 review.

22 On September 20, 2011, the Petition  
23 Review Board met internally to discuss the request  
24 for immediate action. The Petition Review Board

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1 denied Mr. Saporito's request for immediate action  
2 on the basis that there was no immediate safety  
3 concern to the plant or to the health and safety of  
4 the public.

5 The Petition Review Board also  
6 determined that the requirement to demonstrate that  
7 no functional damage has occurred to those features  
8 necessary for continued operation without undue risk  
9 to the health and safety already exists in 10 CFR  
10 2.100 [100,] Appendix A. Mr. Saporito was informed  
11 on September 21, 2011 of the Petition Review Board's  
12 decision to deny his request for immediate action.

13 As a reminder for the phone  
14 participants, please identify yourself if you make  
15 an [any] remarks as this will help us in the  
16 preparation of the meeting transcript that will be  
17 made publicly available.

18 Mr. Saporito, I'll turn it over to you  
19 to allow you to provide any information you believe  
20 the Petition Review Board should consider as part of  
21 this Petition.

22 MR. SAPORITO: All right. Thank you,  
23 Mr. Chairman.

24 For the record, my name is Thomas

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1 Saporito. I'm a Senior Consultant with Saproani  
2 Associates. And we're located in Jupiter, Florida.

3 Before I get into the part of this  
4 matter, I want to put a correction in the record.  
5 The Petition which we filed on September 8, 2011 at  
6 pages four and six speaks to the North Anna Nuclear  
7 Power Plant Unit 1 and Unit 2. Those unit numbers  
8 were inadvertently interchanged. So where it says  
9 Unit 2, it should really be Unit 1. And where it  
10 says Unit 1, it should really be Unit 2 at page four  
11 and page five of the Petition. All right.

12 CHAIRMAN HILAND [Jon Thompson]: Mr.  
13 Saporito, I'm sorry. Just for clarification, that's  
14 pages four and five or four and six where those  
15 number units are inverted.

16 MR. SAPORITO: I'm sorry. Yes, you're  
17 correct. It's four and five. I'm sorry, sir. It's  
18 four and five where those two corrections are.

19 CHAIRMAN HILAND [Jon Thompson]: Okay.  
20 We'll address that.

21 MR. SAPORITO: And another housekeeping  
22 issue is on September 8, 2011 I authored a letter on  
23 behalf of Saproani and Associates to Oscar  
24 Demiranda, D-E-M-I-R-A-N-D-A. He works for the

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1 United States Nuclear Regulatory Commission. He's a  
2 Senior Allegations Coordinator out of Region II  
3 Headquarters based in Atlanta, Georgia. And these  
4 allegations set forth in this two-page letter are  
5 relevant to this proceeding and they are  
6 specifically addressing nuclear safety concerns with  
7 respect to the August 23, 2011 earthquake event at  
8 the North Anna Nuclear Power Plant. And through  
9 this reference I'm going to incorporate that two-  
10 page document which is a September 8, 2011 letter  
11 from Saprohani Associates to Oscar Demiranda of the  
12 NRC into this public record.

13 And while I'm on the subject in  
14 accordance with NRC Management Directive 8.11 all my  
15 comments today that are made to the NRC's Petition  
16 Review Board are to be accepted into the record and  
17 are required to be considered by each member of the  
18 Petition Review Board sitting here today just the  
19 same as if I had placed these comments and  
20 information and references into the record and when  
21 I initially initiated the 2.206 Petition on  
22 September 8, 2011.

23 All right. First, I want to identify  
24 into the record a news article issued by Los Angeles

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1 Times, LATimes.com on September 8, 2011. And it's  
2 entitled "NRC: Earthquake Shook Nuclear Past Design  
3 Limits." And I'm just going to read a couple of  
4 relevant portions of this into the record.

5 It says, "A nuclear power plant in  
6 Central Virginia may have experiences twice as much  
7 shaking as it was designed to withstand during last  
8 month's rare east coast earthquake according to  
9 Federal Nuclear Regulators, although no major damage  
10 has been found." So that document references an NRC  
11 opinion that the earthquake event had a magnitude  
12 which was twice the rate of design based license of  
13 the North Anna Nuclear Units 1 and 2.

14 The next document I want to put into the  
15 record is issued by the Washington Post on September  
16 8th entitled "Virginia Nuclear Plant Experienced  
17 Strong Shaking in August 23 Earthquake." And what I  
18 want to put into the record is specifically it says  
19 "The event that occurred at North Anna had high  
20 acceleration spikes but did not have sufficient  
21 duration of energy to cause any damage." And that  
22 was made by a senior vice president for Dominion, a  
23 fellow by the name of Grecheck, G-R-E-C-H-E-C-K.

24 And the next article is an article dated

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1 September 9, 2011 by Reuters, R-E-U-T-E-R-S,  
2 Robertson's (phonetic) Agency. And the part I'm  
3 going to put in here is a quote. It says, "It looks  
4 like the fuel rods were going into the core prior to  
5 the transformer opening." And that comment was made  
6 by Dominion executive. And that was also reflected  
7 in a post [-] earthquake meeting held by the NRC and a  
8 Dominion executive representing the North Anna Power  
9 Station.

10 And finally I want to put into the  
11 record a USA Today news article dated September 18,  
12 2011 entitled "Weeks After Quake Town Near Nuclear  
13 Plant Remains Rattled." And specifically I want to  
14 reference -- It says here, "North Anna" which  
15 they're talking about the North Anna Nuclear Plant  
16 Units 1 and 2. It says, "North Anna 90 miles  
17 southwest of the White House is emerging as a test  
18 case for the nuclear industry as it faces increased  
19 scrutiny."

20 Okay. Ninety miles from the White House  
21 is what this articles says. And if you recall just  
22 a few minutes ago I put in the record quoted  
23 comments made by the senior executive vice president  
24 for Dominion, the Licensee, that the earthquake that

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1 wasn't of a significant duration.

2 Well, the day before yesterday and  
3 yesterday I viewed news articles by national press,  
4 various national press agencies, over the internet  
5 which showed a video which was taken by security  
6 cameras located inside the Washington Monument  
7 during the earthquake event. And I would like the  
8 Petition Review Board members to review that video.  
9 It's available on the internet.

10 And the video specifically shows a  
11 significant shaking the Washington Monument at the  
12 particular level that security camera was located  
13 at. And there's a clock, a timer, timing the  
14 duration of the event. And it lasted almost three  
15 minutes. So it was a significant earthquake.

16 This Washington Monument is 90 miles  
17 from the North Anna Nuclear Facility. So Dominion's  
18 opinion through that executive vice president is  
19 wholly false. And it calls into question the  
20 reliability of the seismic instrumentation which the  
21 Licensee used to gather data as to the acceleration  
22 of this earthquake event and as to the duration of  
23 this earthquake. The NRC should look into that  
24 issue.

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1           Also in this September 18, 2011 news  
2 article issued by USA Today it says and NRC is  
3 quoted here, Eric Leeds, a [the] Director of Nuclear  
4 Regulatory Commission [the Office of Nuclear Reactor  
5 Regulation]. It says, "We don't have a lot of  
6 experience in this area." He was quoted as saying  
7 that. "We don't have a lot of experience in this  
8 area." And I believe that was also captured on the  
9 NRC's video tape in a subsequent meeting subsequent  
10 to the earthquake with the Licensee.

11           It also says in this article that "The  
12 earthquake moved 25 casks," that's nuclear fuel  
13 storage casks that weigh 115 tons each and holds  
14 spent nuclear fuel up to -- it moved the casks up to  
15 4.5 inches.

16           And finally it says, "An NRC document  
17 estimated a quake strong enough to exceed North  
18 Anna's design would occur once in 5,000 years."  
19 Okay. "Once in 5,000 years." And based on that  
20 this fellow Donal, D-O-N-A-L, Day, D-A-Y, a nuclear  
21 physicist who is employed at the University of  
22 Virginia was quoted as saying, "It just shows  
23 they're wrong." And he's talking about the NRC.  
24 The NRC is dead wrong with respect to how frequent

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1 an earthquake can occur.

2 Not only is the NRC wrong and all its  
3 evaluations wrong and incorrect with respect to how  
4 frequent an earthquake can occur, this particular  
5 earthquake occurred where there was no known  
6 earthquake fault line. And there wasn't supposed to  
7 be an earthquake occurring here. No one expected an  
8 earthquake to occur here.

9 And it certainly calls into question all  
10 the NRC's seismic evaluation to date, all the NRC's  
11 reliance on those seismic evaluations to date, all  
12 the NRC's nuclear safety regulations under 10 CFR  
13 Part 50 to date with respect to all licenses issued  
14 to some 104 nuclear power plants in the United  
15 States.

16 As I mentioned earlier, I personally  
17 attended via an internet link a video conference  
18 that was held with the Licensee shortly after the  
19 August 23rd earthquake event. And during that  
20 conference or during my monitoring of that meeting  
21 between the NRC and the Licensee, the NRC stated  
22 that a restart of North Anna 1 and 2 nuclear  
23 reactors required NRC approval because of the  
24 Appendix A regulation cited earlier by someone here

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1 today in this meeting by the NRC.

2 The Licensee stated at that time of the  
3 earthquake on August 23rd Units 1 and 2 were 100  
4 percent power and that there was a -- Eleven seconds  
5 into the event as I understand -- these are my  
6 personal notes -- there was a negative flux signal  
7 trip of the nuclear reactor. They tripped because  
8 of a negative flux indication. And then  
9 subsequently there was an alert declared. And on  
10 the 24th Units 1 and 2 were brought into cold  
11 shutdown mode of operation.

12 Then on August 26th, the Licensee  
13 recovered scratch plates which are a piece of  
14 equipment used to record the acceleration of the  
15 earthquake and that the Licensee states that it was  
16 outside of the design basis. It was in excess of 5  
17 Hertz.

18 And they had no positive -- At that  
19 time, they had no positive root cause for the  
20 negative flux rate trip of the nuclear reactor to  
21 provide to the NRC. And there was no control room  
22 indication with this particular seismic event.

23 They talked about the 25 casks that  
24 shifted as much as four and a half inches. And the

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1 Licensee stated to the NRC that there are two seals  
2 inside of these spent fuel casks. And they  
3 validated that the seals were intact. They affirmed  
4 to the NRC during that meeting that the casks seals  
5 remained intact because there were no alarms.

6 Well, that's not validation because  
7 there were no alarms in the control room to give the  
8 operators a heads-up about the seismic event.  
9 What's to say these alarms even were operable in  
10 these spent fuel casks? The NRC needs to go in  
11 there and look at the surveillance testing. When  
12 was the last time those alarms were tested and  
13 validated prior to this earthquake event before the  
14 Licensee can be allowed to rely on an alarm  
15 indication to validate a seal for nuclear fuel? You  
16 know, that's a pretty incredible statement by the  
17 Licensee.

18 And they talked a little bit about some  
19 roof panels being moved on a roof. And then the  
20 Licensee -- Oh yeah. There was an anchor bolt up on  
21 the roof that was apparently displaced by the  
22 earthquake event. And it was on page 24 of their  
23 handout I believe if I recall correctly according to  
24 my notes.

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1           Anyway, this anchor bolt you could see  
2           it in this slide handout. It was physically ripped  
3           out of the concrete slab. And there were other --  
4           There was at least one other picture provided by the  
5           Licensee, one other slide, which shows another  
6           anchor bolt on a tank I believe where the piece of  
7           concrete had been dislodged from the movement of the  
8           earthquake.

9           So this calls into question whether any  
10          and how many other supports within the plant and  
11          specifically this nuclear safety related equipment,  
12          support brackets, snubbers, piping support and other  
13          hardware where the bolts are actually sheared. The  
14          Licensee doesn't know about it because they just did  
15          a visual inspection.

16          I request that the NRC order the  
17          Licensee to do torque testing of all those -- of any  
18          retaining bolts throughout the plant on all  
19          equipment which is safety related for both nuclear  
20          reactors. You can't just look at a bolt and say  
21          it's fine because it could be very well sheared  
22          beneath the surface where you can't see it. So  
23          that's another issue of importance for the NRC to  
24          look at.

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1           They talk about a tape that was made of  
2           the seismic event.    It's a tape that was sent  
3           offsite because it had to be converted digitally.  
4           It's an analog recording and they needed to have it  
5           converted to a digital signal that could be  
6           evaluated to ascertain the magnitude of the  
7           earthquake or the acceleration, the movement.

8           My concern here is what was the sampling  
9           rate by the contractor from -- You know, you have to  
10          sample an analog signal.   The more you sample that  
11          analog signal, the higher the sampling rate, the  
12          more accurate the conversion is going to be.   So if  
13          it was not a sufficient sampling rate, then the  
14          result supplied from the contractor to the Licensee  
15          to the NRC is erroneous.

16          So there has to be some standard applied  
17          to these types of conversions.   And I don't know  
18          what that standard is.   But I would hope that the  
19          NRC would look into that.

20          And again there was discussion about the  
21          failure of the control room panel to alert the  
22          operators of the earthquake event.   There were some  
23          other technical discussion with respect to CoMetrics  
24          [        ] who was the contractor apparently who read

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1 this tape and converted it from an analog to  
2 digital.

3 Then there was a discussion about this  
4 negative flux that had affected both units. So  
5 again you could have a common mode significant  
6 problem to both reactors tripped offline for the  
7 same reason. So this is something the NRC needs to  
8 look at. Was it a common mode failure? If so, why?  
9 What actually caused the negative flux rate trip?  
10 I'll get into that a little bit more later on.

11 We talked about the design based  
12 earthquake. And then the Licensee stated that Unit  
13 2 was in a refueling outage. And that Unit 1, it  
14 was their intent to bring it back online. In the  
15 latter part of September, I think it was September  
16 22nd, the executive vice president intended to bring  
17 the Unit 1 back online.

18 And his opinion was, the Licensee's  
19 opinion was, that Unit 1 reactor internal did not  
20 have to be inspected because the inspection of Unit  
21 2 during the refueling outage would bound any damage  
22 that would have been suspected on Unit 1. And  
23 that's an outrageous opinion and that doesn't hold  
24 any water. And that's in violation of NRC's safety

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1 regulations under 10 CFR Part 50. And I'll get into  
2 that a little bit more here later on.

3 Now let me just grab this. With respect  
4 to the enforcement petition, the specific request  
5 set forth in this petition, page three, beginning of  
6 page three, the escalated enforcement action is  
7 asked to be taken against the Licensee. And one of  
8 the reasons is the arrogance of the Licensee of  
9 wanting to restart these nuclear reactors as early  
10 as September 22nd. They wanted to restart Unit 1 as  
11 early as September 22nd of this year even before the  
12 NRC's augmented inspection team had concluded its  
13 inspection activities and without investigating and  
14 testing and inspecting the internals of the nuclear  
15 reactor at Unit 1. So clearly the Licensee's  
16 attitude and arrogance is based on their economic  
17 needs and concerns to generate revenue through  
18 operation of Unit 1 rather than to protect public  
19 health and safety by ensuring that there is no  
20 damage to the internals of Unit 1 and to other  
21 systems and components of Unit 1.

22 And the NRC needs to take into  
23 consideration what the Licensee's attitude and  
24 behavior is with respect to protecting public health

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1 and safety by their action and their comments when  
2 they speak to the NRC and affirm to them their basis  
3 for wanting to restart the nuclear reactor without  
4 required safety inspections under their license  
5 which requires them to make these safety  
6 inspections. They're willing to forego NRC safety  
7 regulations under 10 CFR Part 50. The NRC should  
8 just go ahead and revoke that license until the NRC  
9 has reasonable assurance that those executive  
10 managers have been replaced with others who think  
11 otherwise and would rather comply with the NRC  
12 safety regulations under 10 CFR Part 50 rather than  
13 jeopardize public health and safety in a rush to  
14 restart a nuclear reactor.

15 The civil penalty of \$1 million goes  
16 towards again the Licensee's attitude and arrogance  
17 as to jeopardizing public health and safety for the  
18 reasons I just stated and the NRC request for  
19 confirmatory order requiring the Licensee to keep  
20 the units into a cold shutdown. Again, I defer to  
21 the Chairman, not the NRC chairman, the NRC -- Well,  
22 the Petition Review Board Chairman, that's the word  
23 I was looking for.

24 In early comments today, we referred to

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1 Appendix A I believe under the 10 CFR 50 which  
2 requires NRC authorization before the Licensee can  
3 restart these reactors. That would suffice to cover  
4 that requirement.

5 However, within the petition, it is  
6 requested that the Licensee completes an independent  
7 seismic and geological evaluation of the North Anna  
8 Nuclear Plant Site to ascertain the degree and  
9 magnitude inclusive of acceleration consideration of  
10 future earthquake events which could result in  
11 destructive forces outside the safety design basis  
12 of the facility as experienced by the Licensee's  
13 facility during the August 23, 2011 earthquake  
14 event. And that independent evaluation should look  
15 at a worst case based earthquake scenario.

16 Since this was a 5.8 magnitude with a  
17 significant acceleration above 5 Hertz and twice of  
18 what the plant was licensed for by the NRC, it  
19 stands to reason that the NRC cannot allow either  
20 one of these nuclear reactors to restart until a  
21 proper seismic evaluation has been done so that the  
22 NRC can evaluate whether these reactors can ever  
23 restart and without a significant retrofit. I mean  
24 they may be able to be retrofitted with more

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1 supports and heavier brackets and other replacement  
2 of safety related equipment. I don't know.

3 But they certainly cannot be restarted  
4 in their present condition because neither nuclear  
5 reactor is licensed to operate sitting in a nuclear  
6 reactor site where an earthquake of 5.8 magnitude  
7 occurred and where that earthquake is twice of what  
8 the NRC license allow those nuclear plants to  
9 operate.

10 Third in the petition, it says the NRC -  
11 - one other requirement is that the NRC approves a  
12 submittal by the Licensee which upgrades the  
13 Licensee's current final safety analysis report  
14 and/or updated final safety analysis report to  
15 incorporate the plant retrofit for Units 1 and 2  
16 described in the first two items that I addressed  
17 here. So their current FSAR and updated FSAR are  
18 inadequate and erroneous at this point. Because  
19 what you have is you have two nuclear reactors which  
20 are in an unanalyzed condition at this point.

21 So those documents, the FSAR and the  
22 updated FSAR, are no longer relevant to the licenses  
23 issued by the NRC. And the Licensee cannot rely on  
24 them to provide reasonable assurance to the NRC that

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1 those nuclear reactors can be operated in a safe and  
2 reliable manner to protect public health and safety.

3 Fourth, the Licensee needs to complete  
4 an investigation of both Units 1 and 2 to North Anna  
5 facility to determine the extent of any damage to  
6 the physical plant and safety related systems and  
7 components including but not limited to:

8 (1) the nuclear reactor core fuel  
9 assemblies, components, structures, supports, CRDMs  
10 which is control rod drive mechanisms, etc.;

11 (2) installation of three field seismic  
12 instrumentation because none exists at the  
13 Licensee's facilities to date;

14 (3) torque test all safety related  
15 equipment, support installation and retention bolts  
16 to assure that the bolts have not sheared with the  
17 recent earthquake event;

18 (4) inspect all snubbers throughout the  
19 entire facility to ensure that the license remains  
20 intact and enable to perform the design function;

21 (5) inspection and validate all nuclear  
22 steam supply piping and related piping systems  
23 including the nuclear reactor hot and cold leg  
24 piping on both units to validate its integrity and

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1 to evaluate the seismic capability of the piping to  
2 withstand an earthquake event greater than the  
3 plant's current design basis and to meet any  
4 enhanced plant design basis described in Items 1, 2  
5 and 3 above that I recently spoke of;

6 (6) determine that digital sample rate  
7 used and relied upon by metrics [ ] and  
8 converting the analog tape captured the earthquake  
9 event to assure that a sufficient sample rate was  
10 used during the conversion process;

11 (7) hire and/or train personnel to  
12 ensure that any future acceleration determination  
13 can be quickly completed in-house by the Licensee  
14 rather than spend critical time to have such  
15 determinations made offsite; and

16 (8) ensure through an independent  
17 evaluation that the measured earthquake event  
18 acceleration was not skewed by the location of the  
19 scratch plate in the auxiliary building of Unit 1  
20 due to a shift in the soil from the earthquake  
21 event.

22 Now the Licensee is required under its  
23 updated final safety analysis report and its final  
24 safety analysis report at Section 3.7.4.6 and by NRC

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1 safety regulations under 10 CFR Part 50 to ensure  
2 that all safety related equipment and systems are  
3 fully operational and can function within the  
4 plant's safety design basis. The Licensee cannot  
5 meet this requirement to date because the Licensee  
6 refuses to inspect the Unit 1 nuclear reactor  
7 internals. That's significant.

8 There is no leeway or exception that can  
9 be made by the NRC to allow the Licensee to restart  
10 Unit 1 without opening that vessel and doing the  
11 required inspection. If the NRC allows the Licensee  
12 to restart Unit 1 without complying with current  
13 regulations that I've just delineated, then perhaps  
14 this matter needs to go to Federal Court to  
15 challenge the NRC's oversight of this Licensee.

16 As I spoke earlier, both units,  
17 inspection of both units in their entity [entirety]  
18 is required. The Licensee admitted there was a  
19 negative flux rate trip which caused both reactors  
20 to trip offline. And at the recent conference  
21 meeting held with the NRC which I talked about  
22 earlier that I attended through the internet video,  
23 they had no root cause for it at that time. They  
24 hinted that there were four possible reasons, but

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1 they didn't know why.

2           So the reactor internals must be  
3 physically inspected for damage. A negative flux  
4 rate trip most likely was caused by the movement of  
5 nuclear fuel during the earthquake event. As the  
6 NRC Petition Review Board members fully well know  
7 the nuclear fuel rod assembly [assemblies] are  
8 strategically positioned within the core could cause  
9 a nuclear reaction, nuclear fission. And during an  
10 earthquake event which apparently lasted for almost  
11 three minutes or more, that nuclear fuel certainly  
12 moved. The retaining brackets certainly moved. And  
13 the fuel rod assemblies entirely [entirety] surely  
14 moved. Instrumentation inside that nuclear reactor  
15 vessel certainly moved.

16           All those internals on both units have  
17 to be inspected. CRDMs have to be inspected. They  
18 are very precise pieces of equipment that are  
19 electronically engaged to support the poison rod,  
20 control rod, within the nuclear reactor core to  
21 control the power levels of the reactor and to  
22 automatically open during the reactor trip, to scram  
23 the reactor, to prevent a nuclear accident.

24           But you have fuel rods that need to be

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1 inspected. You have fuel rod assemblies that need  
2 to be inspected. You have nuclear fuel reactor  
3 supports that need to be inspected. Control rod  
4 drive mechanisms that need to be inspected.  
5 Instrumentation like the loose parts monitors in  
6 there that need to be inspected. The reactor  
7 coolant system piping needs to be inspected in its  
8 entirety including snubbers, brackets and supports.

9 Units 1 and 2 are currently in an  
10 unanalyzed condition. The earthquake was outside of  
11 the design basis of the licenses issued to the  
12 Licensee by the NRC by a factor of two. They were  
13 twice the magnitude outside, twice the acceleration  
14 outside, of the design basis. And because the NRC  
15 issued the Licensee a license for Unit 1 and Unit 2  
16 under 10 CFR Part 50, the NRC did so with the  
17 assurances proffered by the Licensee at the time of  
18 issuance that those plants were physically located  
19 and would be operated under 10 CFR Part 50 within a  
20 certain expectation of seismic activity.

21 Well, we know now that on August 23,  
22 2011 an earthquake event shook the North Anna  
23 nuclear reactors at twice the design basis, twice  
24 outside the design basis that the NRC issued those

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1 licenses for. Therefore, the plants, Units 1 and 2,  
2 are in an unanalyzed condition. So the NRC -- Even  
3 if the Licensee would be willing at this point to  
4 inspect the internals of Unit 1 as they did Unit 2 -  
5 - and I'm hoping they did. I have no certification  
6 they did to date, but they made that affirmation to  
7 the NRC during the meeting -- but even if they  
8 would, the Licensee would, inspect Unit 1's  
9 internals, that would not be sufficient for the NRC  
10 to authorize the Licensee to restart either of the  
11 nuclear units, either of the nuclear reactors, under  
12 their current licenses because they could not meet  
13 the Appendix A, Appendix 100 or Appendix A,  
14 requirements under 10 CFR Part 50 to provide  
15 reasonable assurance to the NRC that those nuclear  
16 safety equipment will operate as designed because  
17 we're operating in an unanalyzed condition.

18 The Licensee actually has to go back and  
19 redesign the plant to meet an earthquake greater  
20 than a 5.8 magnitude or greater than the peak of the  
21 acceleration detected by those scratch plates  
22 because it occurred and put the plant outside of its  
23 design basis, outside of its license requirements.

24 Finally, the Licensee during the context

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1 of that meeting which I subsequently watched the  
2 video at least two times, nowhere during that  
3 meeting, did I learn from the Licensee's comments to  
4 the NRC that they made any effort at all to inspect  
5 the offsite power structures and facilities  
6 providing power to North Anna nuclear reactors 1 and  
7 2. And that's critical.

8 And the NRC must require that because  
9 you could have a station blackout event caused by  
10 damage which the Licensee is currently unaware of.  
11 You could have damage to the physical transmission  
12 lines, the installators which separate the  
13 transmission lines from the support structures. You  
14 could have damage at any number of substations  
15 which could cause the nuclear reactors to trip  
16 through an unbalancing of the power over those  
17 transmission lines. And the list goes on and on.

18 So the Licensee has to inspect the  
19 entirety of its high voltage distribution lines, its  
20 offsite power, before any consideration can be made  
21 to restart these nuclear reactors.

22 Now I'm going to sum up here and close  
23 so that the NRC has an opportunity and anyone else  
24 who may be attending this meeting, public or media,

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1 to ask questions. But in summation what we have  
2 here is two nuclear power plants, North Anna Units 1  
3 and 2, who were subjected to a significant seismic  
4 event on August 23, 2011 of a duration of almost  
5 three minutes when you compare the video footage of  
6 the security tape from the Washington National  
7 Monument which is available to the NRC. It's a  
8 public document, a public video. And where that  
9 seismic event was twice outside the design basis of  
10 the license issued by the NRC for the operation of  
11 North Anna Units 1 and 2 under 10 CFR Part 50.

12 Therefore, Units 1 and 2 are now in an  
13 unanalyzed condition. And they can never be  
14 restarted under the current licenses because the  
15 current licenses are null and void as a result of  
16 this earthquake event. And at that, I have  
17 concluded. I will stay on the line to answer any  
18 questions.

19 CHAIRMAN HILAND: Thank you, Mr.  
20 Saporito. At this time, does the staff here in  
21 Headquarters have any questions for Mr. Saporito?

22 (No verbal response.)

23 There are no questions in Headquarters.  
24 Region II, do you have any questions for Mr.

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1 Saporito?

2 MR. MCCOY: No questions here. Region  
3 II.

4 CHAIRMAN HILAND: I understood that a  
5 representative or more from the Licensee is on the  
6 phone. Do you have any questions for Mr. Saporito?

7 MS. EARLE: No, I don't.

8 CHAIRMAN HILAND: I didn't hear any  
9 members of the public announce themselves. But at  
10 this time if there are any members of the public on  
11 this phone conversation, do you have any questions  
12 for Mr. Saporito?

13 (No verbal response.)

14 Hearing none --

15 MS. LEMONCELLI: Mr. Saporito, this is  
16 Mauri Lemoncelli from the Office of the General  
17 Counsel. As long as there is no other objection,  
18 would you mind if I took just a minute or two to  
19 confirm with some members of the NRC staff before we  
20 adjourn?

21 MR. SAPORITO: Take all the time you  
22 want.

23 MS. LEMONCELLI: Just a moment, sir.  
24 Thank you.

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(Pause.)

CHAIRMAN HILAND: Ms. [Mr.] Saporito,  
are you still on the phone? This is Pat Hiland.

MR. SAPORITO: Yes, sir. I'm here.

CHAIRMAN HILAND: The question that  
we're mulling over early in your presentation you  
mentioned and some concerns you had distributed or  
you had sent to the Region II Allegation Office.  
And as you may be aware the petition and all its  
contents are public documents.

And so what I will do is I will approach  
our team coordinator for Allegations in the Office  
of NRR and I will ask her to coordinate with Region  
II and this is a formality. They will have to  
contact you and get permission from you to make that  
document you sent them a public document.

And I assume you are aware of how we  
handle incoming correspondence at alleged  
activities. We handle it in confidence and I just  
want to make sure [,] as well as the people in the  
room[, ]you understood that.

MR. SAPORITO: Let me suggest something.  
Why don't you just go ahead and send me an email  
and request that document. And I'll email it to

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1 you.

2 CHAIRMAN HILAND: Certainly you can  
3 enter that into the public record via this way  
4 separately. And what we'll do is we'll accept your  
5 email and we will enter it into the record as you've  
6 requested.

7 MR. SAPORITO: Okay. I will wait for  
8 your email and I'll send it right out to you.

9 CHAIRMAN HILAND: Okay. As stated at  
10 the opening, the purpose of this meeting is not to  
11 provide an opportunity for the Petitioner or the  
12 public to question or examine the Petition Review  
13 Board regarding the merits of the petition request.

14 Mr. Saporito, thank you for taking time  
15 to provide the NRC staff with clarifying information  
16 on the petition you've submitted.

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

20 COURT REPORTER: Yes, I need the  
21 Dominion representatives to spell their last names  
22 and that's it.

23 MS. EARLE: Margaret Earle, E-A-R-L-E.

24 COURT REPORTER: All right.

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1 MR. KEMP: Page Kemp, K-E-M-P.

2 COURT REPORTER: K-E-M-P. Thank you  
3 very much.

4 MR. KEMP: Correct.

5 COURT REPORTER: That's all I need.

6 CHAIRMAN HILAND: Okay. With that, this  
7 meeting is concluded and we'll be terminating the  
8 phone conversation. Thank you all. Off the record.

9 (Whereupon, at 1:55 p.m., the above-  
10 entitled matter was concluded.)  
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