

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition Review Board  
RE Seabrook Nuclear Plant

Docket Number: (n/a)

Location: teleconference

Date: Monday, June 6, 2016

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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:

SEABROOK NUCLEAR POWER PLANT

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MONDAY

JUNE 6, 2016

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The conference call was held, Rob Taylor,  
Chairperson of the Petition Review Board, presiding.

PETITIONER: C-10 Research & Education Foundation

PETITION REVIEW BOARD MEMBERS

ROB TAYLOR, Deputy Director, Division of  
Safety Systems, Office of Nuclear  
Reaction Regulation

JOHN LAMB, Petition Manager for 2.206 Petition

RUSS ARRIGHI, Senior Enforcement Specialist,  
Office of Enforcement

LORRAINE BAER, Attorney, Office of  
General Counsel

MATTHEW RING, Attorney, Office of General  
Counsel

GEORGE THOMAS, Senior Structural Engineer,  
Office of Nuclear Reactor Regulation

NRC HEADQUARTERS STAFF

RICHARD BARKLEY, Senior Project Engineer,  
Region 1

FRED BOWER, Branch Chief, Region 1

NEIL SHEEHAN, Field Public Affairs Officer,  
Region 1

BRIAN WITTICK, Projects 2 Branch Chief,  
Division of License Renewal, Office of Nuclear  
Reactor Regulation

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

1:59 p.m.

MR. LAMB: I'd like to thank everyone for attending this public meeting. My name is John Lamb, and I am the NRC, Nuclear Regulatory Commission, Project Manager.

We are here today to allow the petitioner, C-10 Research & Education Foundation, referred to as C-10 from this point forward, to address the Petition Review Board, PRB, regarding the 2.206 petition dated December 22nd, 2015, Agency-wide Documents Access and Management System, ADAMS, Accession Number ML16006A002, as supplemented by email comments from David Lochbaum of the Union of Concerned Scientists, UCS, dated February 12th, 2016, ADAMS Accession Number ML16043A486, and email comments from Paul Brown dated February 14th, 2016, ADAMS Accession Number ML16047A020, and email comments by C-10 dated February 15th, 2016, ADAMS Accession Number ML16047A021.

I am also the petition manager for this petition. The PRB Chairman is Robert Taylor. As part of the PRB's review of this petition, C-10 has requested this opportunity to address the PRB.

This meeting is scheduled from 2:00 p.m. to 4:00 p.m. Eastern Time. The meeting is being

1 recorded by the NRC Operations Center and will be  
2 transcribed by a court reporter. The transcript will  
3 become a supplement to the petition. The transcript  
4 will also be made available to the public. In  
5 addition, this meeting is being webcast on the NRC's  
6 webpage at <http://video.nrc.gov>.

7 I would like to open this meeting with  
8 introductions. The PRB Chairman is Robert Taylor. I  
9 would like the rest of the PRB to introduce  
10 themselves. As we go around the room, please be sure  
11 to clearly state your name, your position, and the  
12 office for which you work within the NRC for the  
13 record.

14 I will start off. Once again, I am the  
15 NRC Project Manager.

16 CHAIR TAYLOR: I'm Rob Taylor. I'm the  
17 Deputy Director of the Division of the Safety Systems  
18 with the -- within the Office of Nuclear Reactor  
19 Regulation for the NRC.

20 MR. THOMAS: I am George Thomas -- I am  
21 George Thomas, Senior Structural Engineer in the  
22 Office of Nuclear Reactor Regulation.

23 MS. BAER: Lorraine Baer, attorney, Office  
24 of General Counsel.

25 MR. RING: I am Matthew Ring, also an

1 attorney with the Office of the General Counsel.

2 MR. ARRIGHI: Russ Arrighi, Office of  
3 Enforcement.

4 MR. LAMB: Okay. We've concluded  
5 introductions at NRC Headquarters. Are there any PRB  
6 members that are from Headquarters on the phone line?

7 (No audible response.)

8 MR. LAMB: Are there any NRC PRB members  
9 from the regional office on the phone?

10 (No audible response.)

11 MR. LAMB: Okay. Are there any NRC  
12 participants from Headquarters on the phone line?

13 MR. WITTICK: This is Brian Wittick from  
14 the Division of License Renewal.

15 MR. LAMB: Okay. Are there any NRC  
16 participants from the regional office on the phone  
17 line?

18 MR. BOWER: Yes, this is Fred Bower,  
19 Branch Chief in Region I.

20 MR. BARKLEY: And Rich Barkley, Senior  
21 Project Engineer in Region I.

22 MR. SHEEHAN: Neil Sheehan, Public  
23 Affairs, Region I.

24 MR. LAMB: Okay. Are there any  
25 representatives for the licensee on the phone line?

1 MR. HAMRICK: Yes. This is Steve Hamrick,  
2 counsel for NextEra Energy Seabrook.

3 MR. LAMB: Okay. I would ask the phone  
4 participants to send me an email at john.lamb@nrc.gov  
5 so I can make sure the attendance sheet for this  
6 meeting is correct and I can send it to the court  
7 reporter.

8 Debbie Grinnell of C-10, would you please  
9 introduce yourself for the record, and as well the  
10 other participants for the petitioner?

11 MS. GRINNELL: I am Debbie Grinnell with  
12 the C-10 Foundation.

13 MS. GAVUTIS: I am Sandra Gavutis from the  
14 C-10 Foundation.

15 MS. DOENMEZ: I am Sarah Doenmez from the  
16 C-10 Foundation.

17 MS. TEED: I am Diane Teed from the C-10  
18 Foundation.

19 MS. SKIBBEE: Patricia Skibbee, C-10  
20 Foundation.

21 MR. NORD: I am Christopher Nord from the  
22 C-10 Foundation.

23 MR. LAMB: Okay. Thank you. Is there any  
24 other C-10 members on the phone line?

25 (No audible response.)

1 MR. LAMB: I would like to emphasize that  
2 we each need to speak clearly and loudly to make sure  
3 that the court reporter can accurately transcribe this  
4 meeting. If you do have something that you would like  
5 to say, please first state your name for the record.

6 For those dialing in to the meeting,  
7 please remember to mute your phones to minimize any  
8 background noises or distractions. If you do not have  
9 a mute button, this can be done by pressing the keys  
10 star 6. To unmute, press the star 6 key again. Thank  
11 you.

12 At this time, I will turn it over to the  
13 PRB Chairman, Robert Taylor.

14 CHAIR TAYLOR: Thanks, John.

15 I want to welcome C-10 to this public  
16 meeting regarding the 2.206 petition that you  
17 submitted, and I want to thank you for taking the time  
18 to come down to NRC Headquarters today and address us  
19 in person. Really appreciate that.

20 I would like to first share some  
21 background on our process. Section 2.206 of Title 10  
22 of the Code of Federal Regulations describes the  
23 petition process. It's the primary mechanism for the  
24 public to request enforcement action by the NRC in a  
25 public process. This process permits anyone to



1 petition NRC to take enforcement-type actions related  
2 to NRC licensees or licensed activities.

3 Depending on the results of its  
4 evaluation, NRC could modify, suspend, or revoke an  
5 NRC-issued license or take any other appropriate  
6 enforcement action to resolve a problem. The NRC  
7 staff's guidance for the disposition of 2.206 petition  
8 requests is in Management Directive 8.11, which is  
9 available to the public in ADAMS at Accession Number  
10 ML041770328.

11 The purpose of today's meeting is to give  
12 the petitioner an opportunity to provide any  
13 additional explanation or support for the petition  
14 before the PRB's final consideration and  
15 recommendation. This meeting is not a hearing, nor is  
16 it the opportunity for the petitioner to question or  
17 examine the PRB on the merits or the issues presented  
18 in the petition request. No decision regarding the  
19 merits of this petition will be made at this meeting.

20 Following the meeting, the PRB will  
21 conduct its internal deliberations. The outcome of  
22 the internal meeting will be discussed with the  
23 petitioner. The PRB typically consists of a chairman,  
24 myself, usually a manager at the Senior Executive  
25 Service level at the NRC. It is the petition manager

1 and the PRB coordinator -- it has a petition manager  
2 and a PRB coordinator. Other members of the Board are  
3 determined by the NRC staff based on the contents of  
4 the information in the petition request. The members  
5 have already introduced themselves.

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

12 I would like to summarize the scope of the  
13 petition under consideration and then the NRC's  
14 activities to date.

15 On December 22nd, 2015, as supplemented by  
16 emails dated February the 12th, 14th, and 15th, 2016,  
17 you submitted to the NRC a petition under 2.206  
18 regarding Seabrook in which you requested enforcement  
19 action. C-10 requested the NRC issue an order to  
20 NextEra requiring immediate implementation and  
21 enforcement of American Concrete Institute, ACI,  
22 349.3R evaluation of existing nuclear-safety-related  
23 concrete structures, and American Society for Testing  
24 and Materials, ASTM, C 856-11, standard practice for  
25 petrographic examination of hardened concrete, code

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1 standards requiring core sampling and testing for the  
2 mechanical properties of tensile strength, Poisson's  
3 ratio, modulus of elasticity, and compressive  
4 strength, specifically for walls of the containment  
5 building and spent fuel pool at Seabrook.

6 As the basis for your request, you stated  
7 that C-10 has studied the alkali-silica reaction, ASR,  
8 and C-10 concludes that its presence at Seabrook is  
9 seminal to public health and safety.

10 Allow me to discuss the NRC activities to  
11 date. On January the 8th, 2016, the petition manager  
12 contacted you to discuss the 10 CFR 2.206 process and  
13 to offer you an opportunity to address the PRB. On  
14 January the 4th, 2016, you requested to address the  
15 PRB by phone prior to its internal meeting to make the  
16 initial recommendations to accept or reject the  
17 petition for review.

18 On February the 12th, 2016, David Lochbaum  
19 of UCS supplied written comments by email that will be  
20 treated as a supplement to the petition. On February  
21 the 14th, 2016, Paul Brown, UCS, supplied written  
22 comments by email that will also be treated as a  
23 supplement to the petition. On February the 15th of  
24 2016, C-10 supplied written comments by email that  
25 will as well be treated as a supplement to the

1 petition.

2 A teleconference was held on February the  
3 16th, 2016, where C-10 provided additional information  
4 to the PRB. That teleconference was transcribed and  
5 added as a supplement to the petition. The transcript  
6 is located in ADAMS at Accession Number ML16055A394.  
7 The licensee provided a voluntary response to your  
8 petition by letter dated February the 23rd, 2016,  
9 which is located in ADAMS at Accession Number  
10 ML16056A083.

11 By email dated March the 23rd, 2016, ADAMS  
12 Accession Number ML16083A245, the PRB made an initial  
13 recommendation that your petition meets the criteria  
14 for rejection in accordance with Management Directive  
15 8.11, Section 3(c)2, Criteria for Rejecting Petitions  
16 Under 10 CFR 2.206. Specifically, the fourth  
17 criterion for rejection is the request addresses  
18 deficiency within existing NRC rules.

19 To reiterate, the purpose of today's  
20 meeting is to give you an opportunity to provide any  
21 additional explanation or support for the petition  
22 before the PRB's final consideration and  
23 recommendation. As a reminder to the phone  
24 participants, please identify yourself if you make any  
25 remarks. This will help us in the preparation of the

1 meeting transcript, and that will be made available to  
2 the public.

3 Thank you. And now I turn it over to  
4 Debbie Grinnell of C-10 to allow you the opportunity  
5 to provide any additional information that you believe  
6 the PRB should consider as we disposition this  
7 petition. You have about 35 minutes for your  
8 presentation. Thank you.

9 MS. GRINNELL: We actually have an order  
10 that we'd like to present to you, and thank you for  
11 that opportunity. But I think our first speaker will  
12 be Sandra Gavutis.

13 MS. GAVUTIS: Is that it?

14 MS. GRINNELL: Yes.

15 MS. GAVUTIS: Okay. All right.

16 We are here today to address and elaborate  
17 on the concerns expressed in our 2.206 petition that  
18 was filed in December, 2015. I am the Director of the  
19 C-10 Research and Education. We're based in  
20 Newburyport, Mass. We've been under contract with the  
21 Massachusetts Department of Public Health for 23  
22 years.

23 Our mission is to research and advocate  
24 for safety and security of the Seabrook reactors and  
25 to monitor in real time radiological emissions from

1 Seabrook for use in assessing impact on the health and  
2 the environment to challenge the nuclear industry's  
3 claims that radiation released from reactors is not  
4 harmful. Our mission is actually in support of your  
5 mission, which is to protect public health and safety.

6 We are here to signal to you the gravity  
7 of the situation we are facing at Seabrook, and we  
8 compel you to answer us as the voice of the public.  
9 We believe the situation at Seabrook is an emergency.  
10 The NRC has been aware of the alkali-silica reaction,  
11 ASR, problems at Seabrook for seven years. You've  
12 made recommendations and suggestions. You have given  
13 violations and extensions. And you have allowed  
14 NextEra to delay and distract.

15 Every day you do not require NextEra to  
16 take action is another day of failure to honor your  
17 mission. We request that you consider our 2.206  
18 petition. We make use of this process to call upon  
19 you to take enforcement action against NextEra and  
20 make them conduct the necessary testing and provide  
21 the data we have requested.

22 Quite frankly, we have lost confidence in  
23 NextEra and the NRC's commitment to public safety.  
24 The C-10 board members that are here today will  
25 provide greater detail and elaborate these assertions.

1 We charge you to act in accordance with your mission,  
2 to act on our emergency petition. Thank you.

3 MR. NORD: I'm -- I'm up next. I am Chris  
4 Nord.

5 In July of 2012, in testimony on the  
6 problem of alkali-silica reaction, ASR, at Seabrook  
7 Atomic Power Plant, before the ACRS Plant License  
8 Review Subcommittee, the Senior Structural Engineer  
9 for the Office of Nuclear Regulation, Abdul Sheikh,  
10 declared a 22 percent reduction in the compressive  
11 strength of tested concrete in certain safety-critical  
12 buildings at Seabrook.

13 What went largely unnoticed from his  
14 finding at that time was his assertion that the  
15 concrete should have actually strengthened by more  
16 than 20 percent since construction, so that when one  
17 compares the loss of strength to the expected 4800 psi  
18 rating, one finds that the tested concrete had  
19 weakened 30 percent from the expected compressive  
20 strength. What loss occurred in critical tensile  
21 strength we were never told.

22 However, he did point out in his  
23 testimony, quote, "It is a well-known fact that the  
24 visual examination cannot rule out the presence of  
25 ASR. You have to do some confirmatory tests."

1 Fully seven years after ASR was confirmed  
2 at Seabrook, both ownership and NRC continued to rely  
3 on visual inspections as the primary tool for the  
4 discovery and monitoring of ASR. This exemplifies a  
5 set of shared false assumptions for which NRC, as  
6 regulator, must primarily be held responsible. These  
7 false assumptions may also prove to underlie the myth  
8 that Seabrook is the only U.S. reactor with ASR.

9 The cure for this unfortunate and  
10 wrongheaded trend is the formal adoption of existing  
11 standards governing concrete strength analysis,  
12 standards that your agency already uses and has  
13 endorsed. The enforcement of these standards  
14 contained within American Concrete Institute's ACI  
15 349.3R and the American Society for Testing and  
16 Materials' ASTM C856-11 in response to the Seabrook  
17 ASR crisis is the whole purpose of our petition for --  
18 to you for emergency enforcement.

19 NRC converses with NextEra in the language  
20 of ACI and ASTM standards constantly. It is the de  
21 facto language of technical concrete assessment  
22 standards already adopted by NRC and ownership for  
23 obvious reasons. If you truly want to understand  
24 what's happening to concrete structures as they age,  
25 these two sets of standards provide the analytical



1 scaffolding required.

2 In 2011, an NRC Office of Research seminar  
3 presentation showed only one set of standards for  
4 petrographic analysis of hardened concrete in nuclear  
5 applications, ASTM C856. Furthermore, your own  
6 NUREG/CR-71 records the endorsement, your word, of ACI  
7 349 and its follow-on standard ACI 359 for reactor  
8 vessels and containments issued in 2014.

9 Because of their complete and thorough  
10 applicability, C-10 submitted our petition for  
11 rulemaking in 2014, urging NRC to mandate adherence to  
12 the protocols contained within ACI and ASTM in order  
13 to compel ownership to perform thorough petrographic  
14 analysis on Seabrook's concrete structures, including  
15 the critical core sampling for containment and spent  
16 fuel pool structures.

17 However, nothing has been done with that  
18 petition by NRC, and we understand years may go by  
19 before any action is taken, if ever, while we have a  
20 dynamic situation back home with Seabrook containment  
21 walls changing their geometry. Hence the need for  
22 emergency action.

23 For all the world, it seems that NRC balks  
24 at formalizing these existing standards within NRC  
25 regs because, as it is, ownership gets to choose what

1 standards serve their bottom-line interest and what  
2 standards they would rather not follow. In other  
3 words, by your inaction, you allow NextEra to avoid a  
4 thorough determination of the actual condition of  
5 their atomic plant's concrete without facing any real  
6 regulatory consequences, and thereby putting the  
7 population and environment around the plant at ever-  
8 greater risk of environmental consequence because of  
9 that willful avoidance.

10 I know you all, NRC Petition Review Board,  
11 have already decided that the C-10 petition for  
12 emergency enforcement action concerning ASR at  
13 Seabrook Atomic Power Plant should be rejected, and  
14 you know and we know that that judgment was a fait  
15 accompli before the petition was ever filed. Please  
16 understand, I am not being sarcastic right here. I  
17 just mean that none of these 2.206 petitions are ever  
18 accepted.

19 You run this place like Vegas. The house  
20 is going to win in the end, right? The process that  
21 brings us here today appears to be only a shell of  
22 democracy. It may only appear that common citizens  
23 have a way to effect change. But we are here before  
24 you because we still believe in small "d" democracy,  
25 and we carry with -- with us this quaint notion that

1 you, NRC, should do your job. You should do your job.

2 Furthermore, we know in an obvious way  
3 that you can better do your job. That is why we're  
4 here. We must ask because we ask ourselves, why are  
5 you here? What is NRC's job? You know, that is a  
6 funhouse mirror from our vantage point. To us, it  
7 looks like you believe NRC stands for Not Responsible  
8 to Communities. That's the way you behave toward  
9 those who must live within the ingestion pathway of  
10 U.S. atomic plants.

11 But NRC mission -- NRC's mission involves  
12 quote "the protection of public health and safety."  
13 That means that you are charged with oversight of an  
14 industry handling the most toxic substances on Earth  
15 whereby you must confront that industry when needed  
16 and insist that their business must comply with  
17 stringent and established standards or else real  
18 consequences shall ensue.

19 Were that real, that would not be a shell  
20 game. That would be legitimate regulation acting in  
21 the public interest. The reactor community we  
22 represent needs you, the Nuclear Regulatory  
23 Commission, not to collaborate with NextEra in the  
24 establishment or maintenance of false assumptions  
25 which could not persist with the relevant ACI and ASTM

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standards followed and enforced.

As an example, NRC has stated, quote, "NextEra's offsite research test program must represent the actual in situ conditions of Seabrook's primary containment." The simple fact is that the strength testing done on newly fashioned concrete with rapidly propagating ASR which has not been subjected to neutron bombardment or numerous other specific long-term operational conditions at a controlled test facility 2000 miles away cannot and should not represent the onsite concrete at a working atomic reactor except in the most general way.

Since the word -- since the use of "to represent" here may be interpreted to mean "to stand in for," as in "to take the place of," this choice of words amounts to the creation of a dangerous regulatory loophole for current and future atomic plant testing for ASR-related deterioration.

The refusal of NRC to mandate thorough petrographic testing onsite, which would be required were the standards in question actually enforced, is even more egregious in the case of Seabrook because there is a whole unused second reactor complex of concrete structures which could be used for much of the onsite testing ACI and ASTM standards call for,

1 and which would yield a much closer representation of  
2 in situ conditions, minus of course the radiation beam  
3 and heat exposure of the operating atomic reactor.

4 The best representation of the ASR status  
5 of in situ concrete at Seabrook Unit 1 will be  
6 attained by testing Seabrook Unit 1. Expert opinion  
7 we have sought out on this subject assures C-10 and  
8 your agency that this can and should be done.  
9 Anything short of this approach leaves us all with  
10 conjecture and assumptions, many of them false, and  
11 our reactor community demands better. We want to know  
12 the truth.

13 It has been seven years since ASR came to  
14 light at Seabrook, seven years without a proper  
15 finding of the extent of deterioration of the two most  
16 safety-critical civilian structures anywhere within  
17 the ingestion pathway. For an agency trapped in a  
18 mindset of no regulation called for, that might look  
19 like success. We say that the shell game you  
20 wittingly or unwittingly perpetrate, one that clearly  
21 benefits ownership and puts the general public at  
22 ever-greater risk, must stop.

23 NRC must not capitulate to ownership by  
24 allowing them to quote "cherry-pick" their way to  
25 false representation of Seabrook Unit 1's operability.

1 The Nuclear Regulatory Commission should work instead  
2 for the protection of the general public and enforce  
3 the standards you have explicitly endorsed and already  
4 used. Thank you.

5 MS. GRINNELL: I am Debbie Grinnell, and  
6 I prepared comments for today. Unfortunately, I had  
7 a stroke two weeks after I wrote a petition for  
8 rulemaking to the NRC, and as a result, I got hit with  
9 a problem with language in my language center, and it  
10 affected my ability to read fluently. I have asked  
11 Sarah Doenmez here to write them for me, and she has  
12 volunteered to do that. Sarah is a member of C-10.  
13 She is also an academic dean. And I thank you for  
14 reading this for me. Thank you, Sarah.

15 MS. DOENMEZ: I am Sarah Doenmez, reading  
16 for Debbie Grinnell.

17 The C-10 2.206 petition is in response to  
18 Seabrook's failure to follow NRC recommendations or  
19 requirements to adequately and reliably monitor the  
20 progressively adverse concrete degradation at Seabrook  
21 due to ASR, alkali-silica reaction. The Nuclear  
22 Regulatory Commission's mission is to regulate nuclear  
23 power with enforceable guidelines that protect public  
24 safety.

25 Regulations are essential, as

1 recommendations cannot be enforced. Seabrook's ASR is  
2 a form of degradation that is active, progressive, and  
3 non-self-remitting. It will eventually lead to the  
4 non-remedial collapse of affected structures.  
5 Currently, the NRC has no regulations that address  
6 ASR. C-10's 2.206 petition calls for the NRC to  
7 recognize that the ASR-damaged containment buildings  
8 and spent fuel pool constitute an emergency.

9 We demand the NRC's immediate action.  
10 Region I staff has been complicit with NextEra in  
11 allowing this situation to escalate. For nearly three  
12 decades, Seabrook's numerous construction deficiencies  
13 have remained unresolved. Historical examples dating  
14 back to construction include: in 1987, the NRC  
15 concluded the major unresolved cracks in Seabrook's  
16 Unit 1 containment building, waste process building,  
17 and equipment vault were weak spots, NRC report 50-  
18 443/86-52.

19 Reinforcement bars were knowingly  
20 subjected to continual groundwater contamination as  
21 the waterproofing membrane failed its intended  
22 purpose. The NRC acknowledged as early as 1987, 50-  
23 443/84-12-01, that the patching of the inside concrete  
24 walls during construction would not stop groundwater  
25 from affecting the rebar.

1           In response to the above, C-10 called for  
2           a comprehensive independent investigation of the  
3           entire plant design and related documents. The NRC  
4           did not undertake a full investigation of these issues  
5           and yet concluded that Seabrook's plant-wide  
6           unresolved deficiencies were not safety problems.

7           The NRC has failed the public since the  
8           inception of the Seabrook reactor. Since 2009, with  
9           the discovery of ASR, the risks to public health and  
10          safety have mushroomed into critical safety concerns.  
11          NextEra knew that ASR concrete degradation existed,  
12          and this was confirmed by lab certification in 2010.  
13          In addition, Seabrook submitted an application for  
14          license renewal in 2010. Approval would extend the  
15          current license from 2030 to 2050.

16          NextEra omitted evidence of ASR  
17          degradation in this application, which violates  
18          federal code. By 2011, the NRC and the public knew  
19          that Seabrook's ASR was active and progressive and a  
20          serious obstacle to safety. No longer able to ignore  
21          the situation, the NRC required an ASTM-certified lab  
22          test. The results demonstrated that Seabrook's ASR  
23          problem was not self-limiting and would progress  
24          eventually to containment failure.

25          In 2011, the NRC found NextEra in



1 violation of their current license, stating that they  
2 were quote "In violation of their current license,  
3 operable but degraded and non-conforming," end quote.  
4 The ASR in some areas was moderate to severe, with no  
5 repair options and no existing criteria to adequately  
6 assess structural integrity. As a result, the NRC  
7 requested that NextEra complete a thorough and  
8 comprehensive monitoring of critical structures and  
9 submit all findings. NextEra failed to comply.

10 Since 2011, C-10 and the Union of  
11 Concerned Scientists have repeatedly requested that  
12 NextEra perform in situ core testing and petrography  
13 of ASR degradation at Seabrook's containment, spent  
14 fuel pool, and other Category 1 buildings. More  
15 recently, the NRC revised Seabrook's violation to  
16 state that Seabrook was quote "in violation of their  
17 current license, operable but degraded and non-  
18 conforming, requiring continued monitoring and  
19 periodic evaluation to ensure continued operability,"  
20 2/12/16, page 26, ML16043A391.

21 As a result of NextEra's failure, NRC  
22 inspectors would now have to personally inspect,  
23 monitor, and measure the concrete. The NRC's  
24 determination was revised further to state that  
25 Seabrook's CEB containment building's structural

1 integrity was compromised, ML16127A156, page 7.

2 Finally, and most recently, the NRC  
3 concluded that observed degradation far exceeds,  
4 quote, "far exceeds" any previously anticipated creep  
5 values for reinforced concrete structures and  
6 therefore is non-conforming with the original design  
7 and construction code, ACI 3181971, ML15217A6, page  
8 19.

9 In response to this position, NextEra  
10 admitted to the NRC that they had not identified the  
11 presence of localized ASR, including deformation in  
12 Seabrook's concrete structures, because of their  
13 original quote unquote "mindset that viewed conditions  
14 such as concrete cracks, water infiltration, and  
15 misalignment issues as acceptable and  
16 inconsequential," end quote, document date 12/19/14,  
17 ML16043A391, page 27.

18 Isn't this reason enough for the NRC to  
19 enforce standards? We have learned over the past five  
20 years through numerous NRC reports that NextEra's  
21 mindset has been to largely disregard the NRC's  
22 recommendations and requirements to monitor and manage  
23 the progression of ASR concrete degradation in all of  
24 the Seabrook power block buildings. Notwithstanding  
25 seven years of NRC requests for corrective actions,

1 NextEra continues to disregard any type of meaningful  
2 response to the requests, and in cases, by the NRC's  
3 own admission, NextEra has repeatedly withheld data  
4 and information.

5 C-10 views the following as examples of  
6 NextEra's willful deceit: one case charged NextEra  
7 with a code violation for failing to respond to the  
8 NRC ASR concrete degradation in their renewal  
9 application mentioned earlier. The second case  
10 involved NextEra's failure to include specific data to  
11 the NRC that, if included, would have required  
12 Seabrook to close.

13 The report sent to the NRC had two  
14 different versions. One report conveniently omitted  
15 the damning evidence, Freedom of Information Act to C-  
16 10, Deborah Grinnell. Both of these cases were  
17 submitted by the NRC Region I staff to the Office of  
18 Investigations to determine if NextEra willfully  
19 failed to report required information to the NRC  
20 staff. Unfortunately, but not surprisingly, the  
21 Office of Investigations closed both cases as not  
22 willful violations.

23 In other instances, NextEra has been cited  
24 numerous times for willfully withholding data and  
25 regulatory information requested. However, the NRC

1 has taken no meaningful action to force compliance.

2 The more information we gather about  
3 Seabrook's lack of monitoring as the ASR progression  
4 worsens within critical structures, the more the  
5 public loses confidence. Any trust in NextEra is  
6 further eroded as the NRC continues to cite NextEra  
7 for more serious violations under their current  
8 license.

9 In the NRC's attempts to demonstrate that  
10 Seabrook was safe, an ASTM 1260 mortar bar extension  
11 test was conducted in June 2012, NRC call item number  
12 6. The test results revealed that Seabrook's ASR  
13 would continue long term under existing conditions  
14 without reaching a plateau or exhaustion. We at C-10  
15 and the UCS know that eventually, ASR-affected  
16 concrete will fail and collapse.

17 The requirements for renewal of Seabrook's  
18 operating license, 10 CFR Part 54, requires the  
19 management of the adverse effects of aging. We are  
20 convinced that Seabrook cannot manage the advanced  
21 degree of progressive ASR degradation and the NRC  
22 cannot rely on NextEra to monitor ASR responsibly.  
23 Seabrook is approaching a point of failure in  
24 containment, and public safety is clearly at risk.

25 UCS Director of Nuclear Safety David

1 Lochbaum formally submitted his comments to the NRC in  
2 response to our petition. Dave Lochbaum tried hard in  
3 his comments to show that the status quo is untenable,  
4 that safety is being compromised, and that solutions  
5 sought in our petitions are both reasonable and  
6 needed.

7 David closed saying "The answer to whether  
8 concrete degradation caused by ASR has adverse nuclear  
9 safety implications is yes. The record clearly shows  
10 that ASR degradation can reduce safety margins and  
11 potentially result in catastrophic failures. This  
12 answer is reinforced by the NRC's response to the  
13 discovery of ASR degradation at Seabrook. If ASR  
14 degradation could have no adverse nuclear safety  
15 implications, the NRC would not have required  
16 Seabrook's owner to develop and implement measures to  
17 manage the ASR effect."

18 We call on you now, therefore, to approve  
19 the 2.206 petition and take emergency enforcement  
20 actions at Seabrook.

21 MS. GAVUTIS: I do have an ask to the NRC,  
22 and I have an ask because when Region I realized that  
23 they had a discovery of ASR concrete degradation, they  
24 went to the NRC NRR to get technical help, and we've  
25 read that carefully. And what we've found was within

1 the recommendations that were made by NRR, that you  
2 also had to -- well, NRR had to go to their Seabrook  
3 SSAR to look very carefully at the boundaries that  
4 needed to be honored and that they needed to do  
5 without question to see whether they were in  
6 violation.

7 And I think there was considerable concern  
8 from the technical research department that there were  
9 things, and I will quote this -- I think this is in  
10 Section 3.4 under (a), (b), (c), and (d). (d) in  
11 particular is very absurd and discurving -- that's not  
12 a word.

13 MR. NORD: Disconcerting?

14 MS. GAVUTIS: Disconcerting, thank you  
15 very much. And the quote that I'd like to give you is  
16 that "No allowance has been made for variation in  
17 material properties over the life of this structure."

18 So when we look at that, and we know that  
19 the technical end of the NRC told Region I that yes,  
20 cores needed to be done, and the photography had to be  
21 done, and made very good recommendations, so what  
22 we've found now is that, without any material  
23 properties in Seabrook's containment where there are  
24 no regulations, then what we've found is that without  
25 them, the NRC is left to negotiate with NextEra, and

1 in the process of negotiation, we've seen that there  
2 have been a total 40 cores that were -- that were to  
3 be tested by Seabrook's containments, but NextEra  
4 never tested them.

5 What did NextEra do with them? They  
6 actually took the cores, but they didn't test them.  
7 What did the NRC do about their negotiation when it  
8 failed with NextEra? We need to know what happened to  
9 these cores that were taken when the NRC said these  
10 should be done and NextEra apparently agreed to do 40  
11 of them and then chose not to test them.

12 And because there is only a process that  
13 you have that gives you no power to enforce anything  
14 or to say this must be done, you have no way of doing  
15 that. So we have three examples of that. One was  
16 that there were four cores taken of Seabrook's  
17 containment that were tested specifically for tensile,  
18 but the NRC failed to test them. What did the NRC do?  
19 What did the NRC do when their negotiation with  
20 NextEra failed?

21 Then, again, in 2015, the NRC negotiated  
22 with NextEra to take 34 cores in containment, which  
23 they did do. They actually took the cores. They  
24 looked at them visually. I am not kidding you. They  
25 looked at them, after in 2010, when they were tested,

1 and we have the data from that, we found out that it  
2 was far worse than it appeared visually.

3 So the NRC failed to test them. There are  
4 34 of them in containment. They have not done it.  
5 And what has the NRC done about it? As far as we  
6 know, they have not anything about it, and they have  
7 no way to negotiate with NextEra.

8 Finally, the NRC negotiated with NextEra  
9 to do one core, a shallow core, in containment spent  
10 fuel pool, and that was done in December of 2015. The  
11 NRC has never reported that it was done, and with all  
12 the numerous emails and requests we have made for the  
13 data for the results of that, one core was done in a  
14 spent fuel pool, and we have no idea what the results  
15 are.

16 So it is time for the NRC to just do it.  
17 You need to have regulations because you have no way  
18 of enforcing them, and if you have an -- if you have  
19 NextEra, who conveniently does not do testing when  
20 it's recommended, when you recommend it, when you  
21 require it, when you negotiate with them, then you  
22 have no power to protect us. Thank you.

23 MS. SKIBBEE: Patricia Skibbee. The next  
24 there is February 23rd, 2016 response to NRC's request  
25 for comments on C-10's 2.206 petition on page four.



1           The company has written that visual  
2 inspection of the various locations of the containment  
3 building, with Tier 3 damaged areas being visually  
4 reinspected every six months, and Tier 2 damaged areas  
5 being visually inspected every 30 months, has shown no  
6 progression of ASR since 2012.

7           If ASR was not present ten years ago and  
8 it is now present, detectable even by the bare human  
9 eye, clearly it is progressing. It's an accepted  
10 scientific fact that ASR is not self-limiting, so we  
11 know it is progressing.

12           The fact that NextEra states in its  
13 response letter that visual inspection shows no  
14 progression is evidence that visual inspection is  
15 entirely insufficient to the task.

16           A medical analogy might help here. Visual  
17 inspection of ASR is analogous to medical diagnostic  
18 practice before X-ray and MRI technologies were  
19 invented. Medical practice is better with these  
20 technologies, and that is because now doctors can see  
21 inside the patient, as opposed to just looking at the  
22 skin of that patient.

23           The same is true with concrete. Looking  
24 at the surface, all that is seen is the surface.  
25 Using industry accepted standards, ACI and ASTM,

1 enables the NRC to mandate testing for the vital  
2 mechanical properties of the concrete, what is going  
3 on under the skin, which is what is important.

4 The mandatory use of ACI 349.3R and ASTM-C  
5 856-11 standards, as well as appropriate directives  
6 for their use, would enable the NRC to force  
7 appropriate monitoring of ASR-damaged concrete. The  
8 current situation made all too clear in NextEra's  
9 response letter is that the plant's "qualified  
10 engineers," a phrase used so frequently that it makes  
11 us wonder if they have some unqualified engineers  
12 working there, makes the decisions as to the  
13 frequency, the type and the extent of testing, as  
14 opposed to that testing being mandated by the NRC.

15 The goal of NextEra and therefore of its  
16 employees, including its qualified engineers, is to  
17 make a profit from running this private company. That  
18 means keeping the plant operating as long as possible,  
19 with as few expenses as possible, cutting into its  
20 profitability.

21 That goal is precisely opposite the stated  
22 goal of the NRC, as expressed in its mission  
23 statement, which reads in part "To protect public  
24 health and safety, the environment and the common  
25 defense and security. The mission is accomplished

1 through licensing of nuclear facilities and the  
2 possession, use and disposal of nuclear materials, the  
3 development of implementation of requirements  
4 governing licensing activities and the inspection and  
5 enforcement activities to assure compliance with these  
6 requirements."

7 The goal of the NRC in brief is to protect  
8 public health and safety, not to protect the  
9 profitability of privately-owned, for-profit nuclear  
10 power plants. As the mission statement says, "the  
11 development and implementation of requirements." It  
12 doesn't say suggestions or recommendations. It says  
13 requirements.

14 Enforcing these two widely-accepted  
15 concrete assessment standards, ACI 349.3R and ASTM-C  
16 856-11, already used by NextEra when they choose, and  
17 any needed specific directives, would enable the NRC  
18 to simply do its job. That is what we are asking for,  
19 for the NRC to do its job in a responsible, thorough  
20 manner that serves the public and not the nuclear  
21 industry.

22 Further, NextEra contends that the  
23 Seabrook Nuclear Power Plant is the only U.S. plant  
24 experiencing the alkali-silica reaction problem.  
25 However, a number of nuclear power plants in other

1 countries are experiencing this problem. Also,  
2 Seabrook Nuclear Power Plant is the most recently  
3 licensed, newest plant in the U.S.

4 It is more probable that older plants are  
5 experiencing ASR damage. It seems highly unlikely if  
6 not impossible that Seabrook is the only U.S. plant  
7 with this issue. Therefore, adopting these two  
8 concrete quality standards is mandatory, would allow  
9 the NRC to do its job not only for the vulnerable  
10 public around Seabrook but for all Americans.

11 Next Section 2. I'd like to quote from  
12 President Gerald Ford's comment upon signing the  
13 legislation that created the NRC in 1975. "The highly  
14 technical nature of our nuclear facilities and the  
15 special potential hazards which are involved in the  
16 use of nuclear fuels fully warrant the creation of an  
17 independent and technically competent regulatory  
18 agency to assure adequate protection of public health  
19 and safety.

20 "The NRC will be responsible for the  
21 licensing and regulation of the nuclear industry under  
22 the provisions of the Atomic Energy Act. This means  
23 the NRC will be fully empowered to see to it that  
24 reactors using nuclear materials will be properly and  
25 safely designed, constructed and operated to guarantee

1       against hazards to the public from leakage or  
2       accident.

3               "NRC will also exercise strengthened  
4       authority to assure that the public is fully  
5       safeguarded from hazards arising from the storage  
6       being used in power reactors, hospitals, research  
7       laboratories or any other purpose."

8               Quoting from the NRC's own document, its  
9       functions include conducting various kinds of  
10      inspections and investigations designed to assure  
11      nuclear plant activities are conducted in strict  
12      compliance with the terms of the license and the  
13      agency's regulations and requirements, and that it  
14      "enforces compliance as necessary."

15              The NRC states that its job includes  
16      providing independent expertise and information for  
17      making timely regulatory judgments, anticipating  
18      problems or potential safety significance, and  
19      providing support for developing regulations and  
20      standards.

21              The Office of Nuclear Regulatory  
22      Regulation part of the NRC has as its specific duty to  
23      "conduct the inspection and licensing activities  
24      associated with operating power reactors that are  
25      necessary to protect the public health and safety, and

1 to establish a sound regulatory framework."

2 The current situation at the Seabrook  
3 Nuclear Power Plant is that the plant is not operating  
4 within the parameters of its license, and the NRC is  
5 not fulfilling its responsibilities to the public.  
6 With its approximately 2,700 employees and a budget of  
7 about a half a billion dollars, the NRC should be able  
8 to do its job.

9 But that job is not being done properly.  
10 Instead, what we have in reality is a situation where  
11 the fox is watching the henhouse, and that the plant's  
12 owner, NRC, is seemingly entrusted with doing its own  
13 inspections and testing, including testing for ASR  
14 damage and progression, with insufficient oversight  
15 from the NRC.

16 In the May 6, 2016 letter from the NRC to  
17 NextEra, owners/operators of the Seabrook plant, the  
18 NRC does seem to be chastising NextEra for its failure  
19 to operate the plant in accordance with its license  
20 standards.

21 First, the NRC faults the plant for not  
22 adequately inspecting, reporting and monitoring the  
23 ASR damage to the concrete structures, specifically  
24 the containment enclosure building, the residual heat  
25 removal vault and the fuel storage building. This

1 extensive document recites a number of situations in  
2 which NextEra, after observing damage, failed to  
3 properly list it and failed to inform the NRC of its  
4 existence.

5 The report states that "additional  
6 attention by NextEra staff is warranted," and that  
7 "operability and screening processes to ensure  
8 conclusions regarding structural capability are  
9 updated and technically supported." This is NRC  
10 gentle language which translated means the NRC did not  
11 pay sufficient attention to ASR damage, and that its  
12 conclusions were neither accurately updated nor  
13 technically supported.

14 For the first time in that document, we  
15 read that the NRC actually cited NextEra for a  
16 violation. Up until this letter, we have read  
17 repeatedly about situations in which the NRC found  
18 violations and named them NCV or non-cited violations.  
19 Even in multiple situations where these lapses of  
20 responsibility by NextEra were described as "more than  
21 minor (because) if not attended to they could lead to  
22 the possibility of breaching of barriers, protecting  
23 the public from radiation leakage."

24 The violations that never exceed the green  
25 category, which means of very low safety significance,

1 are routinely found to be no-violations. The 2016  
2 letter from the NRC is extremely similar in form to a  
3 2014 letter which fulfilled the same role. They are  
4 depressingly similar, and follow a clearly  
5 pre-prescribed format.

6 The 2016 letter is at least more  
7 stringent, but it cites, for example, "a violation  
8 similar to several non-cited violations of very low  
9 safety significance for which corrective actions has  
10 not been fully effective." "The NRC is issuing a  
11 notice of violation because corrective actions within  
12 the past two years have not been effective in  
13 addressing ASR-related issues or structural issues."

14 The report goes on to mention ASR is  
15 causing "excessive bulk expansion and cracking of the  
16 RHR/CH (phonetic) vault interior and exterior  
17 supporting walls."

18 It describes deformation of the  
19 containment enclosure building as being beyond design  
20 standards. But again, even though in another place  
21 that deformation is measured as being one to three  
22 inches of settlement of the building, which by design  
23 was not expected to settle at all being constructed on  
24 "ground rock," this degradation is categorized as  
25 green, a situation of very low safety significance.



1           We see a two-pronged situation here.  
2           First, the plant is operating currently outside its  
3           licensing requirements by definition. There is  
4           acknowledged damage that has occurred that puts the  
5           physical plant outside its design basis, therefore  
6           violating conditions of its license.

7           Further, we have the NRC, which is  
8           supposed to by law to be setting standards, licensure  
9           requirements and enforcing those standards, timidly  
10          noting violations to the plant's corporate owners, and  
11          only in May of 2016 finally citing them for a  
12          violation after several years of non-cited violations  
13          or NCVs, and explaining gently that NextEra's  
14          "corrective actions over the past two years have not  
15          been effective in addressing ASR-related structural  
16          issues."

17          The NRC is failing in its role to protect  
18          public health and safety by not enforcing its own  
19          rules, by not speaking sternly to the plant's owners  
20          when they fail to put a dangerous finding on the  
21          proper list, and then writing that the NCVs have been  
22          rectified because the plant personnel have now added  
23          the item to the proper piece of paper.

24          Keeping a list is not the same as taking  
25          action. In 2011 and following years, there are a

1 number of instances in which the NRC has taken the  
2 plant owners to task for failure to discover, record  
3 properly and/or take action on various ASR-affected  
4 areas of the plant's concrete structures.

5 In the 2011 instance, the NRC issued a  
6 violation to NextEra, stating that the company was "in  
7 violation of their current license, operable but  
8 degraded and non-conforming." In the February 12,  
9 2016 letter to NextEra used more severe wording,  
10 discussing one of many of the plant owner's  
11 violations, stating that the plant was "in violation  
12 of their current license, operable but degraded and  
13 non-conforming requiring continuing monitoring and  
14 periodic evaluation to ensure continued operability."

15 These violations clearly show that NextEra  
16 is time after time not being forthright, repeatedly  
17 not following NRC existing procedures, and therefore  
18 has proven itself untrustworthy to run its own plant  
19 in a safe and responsible manner that adheres to the  
20 conditions of its licensure, and that protects public  
21 safety and health.

22 Probably the most revealing wording is the  
23 NRC's February 12th, 2016 letter on page 27 to  
24 NextEra, in which the NRC cites NextEra's words in  
25 explaining the company's failure to properly report

1 concrete and building settlement issues. The NRC  
2 quotes NextEra's explanation in their response letter  
3 dated December 19th, 2014. "The reason NRC inspectors  
4 and not plant staff identified the presence of  
5 localized NRC-induced deformation in Seabrook's  
6 concrete structures was due to an organizational mind  
7 set."

8 These are NextEra's own words. "An  
9 organizational mind set that viewed conditions such as  
10 concrete cracks, water infiltration and misalignment  
11 issues as acceptable and inconsequential." Is this a  
12 company that can be at all trusted to monitor or  
13 document or take effective action to maintain its own  
14 plant? Clearly it isn't.

15 Again, putting items on the current piece  
16 of paper is not taking action. Nor does it fix  
17 problems. It only lists them, which is hardly the  
18 same. We ask that the NRC do its job strongly,  
19 effective and immediately, which is what its mission  
20 statement legally requires it to do. Thank you.

21 MS. TEED: Diane Teed. Despite the  
22 gravity of the issues we have been discussing here  
23 today, the public's sole safeguard to date is a paper  
24 trail of arrogant inaction. The NRC has historically  
25 considered all assumptions by NextEra as reasonable,

1 and its few recognized violations as minor.

2 The NRC inspection report related to ASR  
3 dated May 6, 2016, is arguably the first document that  
4 beings to indict NextEra on its non-conformance with  
5 its current licensing basis.

6 Although we are all familiar with NextEra,  
7 defer, defer, defer approach to the important issues  
8 of ASR degradation, and the unknown extent of embedded  
9 rebar corrosion, it is the NRC's feeble responses that  
10 have allowed these unacceptable risks to increasingly  
11 threaten the public's welfare.

12 I would like to focus on two topics,  
13 NextEra's defense of visual inspection and secondly,  
14 NextEra's apparent failure to correlate the results of  
15 the Ferguson testing in Texas to the physical reality  
16 and repercussions of ASR at Seabrook Station in New  
17 Hampshire.

18 Let's take a look at a few of the  
19 arguments outlined by NextEra in their February 23rd,  
20 2016 response to C-10's 2.206 petition. NextEra  
21 argues that since "they assume that every structure  
22 has ASR," then petrographic confirmation is not  
23 necessary as they are willing to concede the point  
24 that structures have ASR.

25 C-10 is not requesting the petrographic

1 confirmation of ASR. We are requesting the use of  
2 methods, including petrography, that will evaluate the  
3 extent of ASR and its effects on the structural  
4 integrity of the concrete on the containment enclosure  
5 building, the spent fuel pool and other affected  
6 structures.

7 NextEra further claims that under ACI  
8 349.3R, visual inspection "remains the primary method  
9 of concrete inspection supplemented by non-destructive  
10 examination and invasive examination testing if deemed  
11 necessary by qualified engineers." The visual  
12 inspection and observed conditions are sufficient at  
13 Seabrook is countered by science.

14 Professor Paul Brown, an expert retained  
15 by the Union of Concerned Scientists, states that  
16 NextEra's plan is incomplete. In his opinion, NextEra  
17 should "systematically evaluate the concrete via  
18 photography and physical testing of cores, and  
19 evaluate the expansive capacity of the ASR based on  
20 ASTM standard tests, as promulgated as ASTM Committee  
21 C-9 on Concrete and Aggregates."

22 Seabrook's owners in this same letter also  
23 reference that the NRC, in a 2012 inspection report,  
24 documented its determination that NextEra's methods  
25 for assessing operability of ASR effective reinforced

1 concrete structures were reasonable and generally  
2 comprehensive. The owners are harking back to a  
3 statement that is more than four years old.

4 Lastly, NextEra further notes that their  
5 defense against compromised containment includes  
6 comprehensive visual examination of the containment  
7 structure. Visual inspection is superficial by  
8 definition.

9 In addition, based on the recommendations  
10 of its qualified engineers, NextEra has "elected not  
11 to perform core boring into the containment structure  
12 for the purpose of performing petrographic  
13 examination, as these locations are already screened  
14 in for continued monitoring based on the visual  
15 indications of ASR."

16 The above responses reflect the owner's  
17 tunnel vision. NextEra's continued reliance on a lame  
18 visual inspection defense as recently as 14 weeks ago,  
19 given the known progression of ASR at Seabrook, must  
20 be challenged by the NRC. The NRC is intended to be  
21 the public voice.

22 Protective regulations for ASR and  
23 meaningful consequences when the regulations are  
24 ignored or violated should have been issued by the NRC  
25 years ago. Now we are in a state of emergency. The

1 NRC has to stop allowing NextEra to dictate the terms  
2 under which it operates. NextEra's self-assessment  
3 has to end.

4 In fact, the NRC is obligated to determine  
5 the structural integrity of Seabrook's containment  
6 building as a priority according to NRC Regulatory  
7 Guide 1.26 and NRC NUREG-1800. Let's step to the  
8 Ferguson testing. The ASR issue at Seabrook station  
9 is a critical issue requiring critical thought. It is  
10 essential to identify, challenge and analyze  
11 assumptions for validity.

12 Applying this reasoning to ASR and  
13 NextEra, it defines logic that in lieu of testing for  
14 ASR and its impact, and trying to assess the future  
15 impact on site at Seabrook station, NextEra chose to  
16 set up tests at the Ferguson Structural Engineering  
17 Laboratory in Austin, Texas.

18 C-10 has always argued that testing for  
19 ASR and its impact needs to be performed on site. At  
20 the original location, you have the exact composition  
21 of concrete at the exact age, having been subjected to  
22 the exact weather conditions with the exact brackish  
23 water infiltration for the currently exact amount of  
24 time, all the while having access to the exact staff  
25 charged with judging ASR's impact and the plant's

1 operability.

2 We would argue that these variables that  
3 were unlikely to be reliably recreated in Texas could  
4 have been avoided. NextEra should have conceded  
5 laser-like on the ASR issue.

6 A great deal is resting on the Ferguson  
7 testing results. NextEra intends (1) to use the  
8 findings as a technical basis for developing elements  
9 of the plant-specific ASR managing program for the  
10 extended licensing period; (2) to identify the  
11 potential need for additional information as to the  
12 adequacy of the AMP to manage effective aging of  
13 structures with ASR; (3) to support a potential  
14 license amendment request review; and (4) to use the  
15 testing as the technical basis to establish a  
16 methodology to resolve non-conformance with the  
17 current design and licensing basis.

18 In a letter dated October 2nd, 2015, prior  
19 to the actual audit, requests for additional  
20 information, RAIs were issued in response to concerns  
21 with NextEra's June 30th, 2015 submission. The  
22 concerns documented in the RAIs included "addressing  
23 recent operating experience concerning building  
24 deformation caused by global ASR expansion;  
25 representativeness between test specimens and the



1 methodology of measurement and correlation of testing  
2 programs to Seabrook structures; representative  
3 samples for monitoring through-wall expansion and  
4 combined cracking index as a surrogate for ASR  
5 expansion in the in-plane direction."

6 Based upon publicly disclosed documents,  
7 it appears that right now RAIs are outstanding. Other  
8 RAI responses remain incomplete. Auditors cannot  
9 reconcile assumptions to results. The audit staff  
10 does not have sufficient information to render an  
11 opinion on the Ferguson results. NextEra is out of  
12 design basis. There is no acceptable aging management  
13 plan.

14 It is indeterminate how many answers  
15 NextEra bought with the Ferguson testing. It is  
16 obvious, however, that they bought themselves four  
17 more years of operation. Public safety cannot be held  
18 hostage.

19 Pending the receipt of the Ferguson audit  
20 report or the findings by the National Institute of  
21 Standards and Technology study, which is projected to  
22 take four years, the threads running through the NRC  
23 reports issued in the past eight months does not  
24 reflect a move toward substantive resolution of the  
25 issues surrounding ASR, but in fact documents the

1 increasing risk to the public.

2 The NRC's summary of standards of employee  
3 conduct regulations, Subpart A, Basic Obligation  
4 states that public service is a public trust. C-10  
5 insists that the NRC protect the health and safety of  
6 the public. Think of the consequences if you continue  
7 to treat the ASR issue without enforced, mandatory  
8 regulations.

9 You need look no further than the tobacco  
10 and coal industries. I would argue that the nuclear  
11 industry's potential for harm exceeds these other  
12 industries in its scope, pervasiveness of risk, mortal  
13 consequences and impact to the planet. We demand that  
14 the NRC fulfill its responsibilities. Thank you.

15 MS. DOENMEZ: Sarah Doenmez. The mission  
16 of the NRC is to protect public health and safety and  
17 the environment, as is proclaimed by a lovely panel on  
18 your website in shades of lavender and rose, Panel No.  
19 1. My colleague has given a history of the NRC and  
20 quoted its founding documents. There can be no doubt  
21 about the purpose of this agency.

22 Regulating the nuclear industry is the  
23 tool by which you are supposed to accomplish this.  
24 Just as you have a larger mission and a set of tools  
25 for accomplishing it, so too does our 2.206 petition

1 for emergency enforcement action. As you know well,  
2 our larger mission is also to protect the health and  
3 safety of the citizenry and environment of southern  
4 New Hampshire and Massachusetts around Seabrook  
5 Nuclear Power Station.

6 The tool which we offered as a means to  
7 accomplish this purpose was the adoption of  
8 professional standards for concrete, as the NRC does  
9 not have sufficient standards for dealing with the ASR  
10 degradation that Seabrook is experiencing.

11 In a letter dated March 23rd, 2016, your  
12 initial recommendation was to reject our 2.206  
13 petition because of the tool we offer, which you said  
14 should be accomplished through another petition for  
15 rulemaking. We filed a petition for rulemaking eight  
16 years ago. That petition is still unresolved.

17 We do not have that kind of time now, and  
18 that recommendation did not address the larger purpose  
19 of our petition, protecting the health and safety of  
20 the public and the environment. We are here today to  
21 call on you to reconsider our petition in light of its  
22 larger aim. We beg you not to lose the forest for the  
23 trees.

24 To refuse a petition's larger aims and  
25 focus on the tool offered is the same diversionary or

1       delaying tactic as in the May 6th letter to NextEra,  
2       when you awarded NextEra a green level violation for  
3       not following the correct paper work, but did not  
4       issue a violation for the unsafe condition of the  
5       concrete structures guarding the public from  
6       radioactivity due to advancing ASR, which you also  
7       detailed in that letter.

8               We are here to remind you that the larger  
9       goal of our 2.206 petition is to ask for emergency  
10      enforcement of Seabrook's operating license, Clause G  
11      of which asserts that its operation must not be  
12      inimical to public safety and the environment.

13              Your instructions to the public, as just  
14      read, say that any citizen may file a 2.206 petition  
15      asking for the action to be taken and providing  
16      evidence. The action we ask for is complete and  
17      comprehensive resolution of the advancing ASR issues  
18      at Seabrook.

19              The most compelling evidence for that need  
20      you have supplied yourselves. The May 6th letter  
21      acknowledges severe and discrete cracking, and  
22      deformation of interior and exterior walls of the  
23      containment structure, the RHR and the fuel storage  
24      structure.

25              This is separate from the pervasive

1 microcracking at Seabrook. Your letter states that  
2 Seabrook is non-conforming with its design basis. It  
3 should therefore not be operating. The violation you  
4 did award NextEra is for not filing an IOP report of  
5 an assessment that needed to be made in an eight hour  
6 window, to determine whether Seabrook should remain  
7 operable.

8 That level of urgency constitutes an  
9 emergency. You are acknowledging a situation which is  
10 a grave threat to the health and public safety of New  
11 Hampshire and Massachusetts. How fast is that  
12 cracking progressing? Clearly it is happening,  
13 according to industry predictions, that it will speed  
14 up as it advances and result in compromised  
15 structures.

16 The predictions also say that ASR is not  
17 self-limiting and irreremediable. The May 6th letter  
18 calls the walls of containment deformed. What does  
19 that mean? How close are those walls to  
20 through-cracking? Can we see pictures? When will  
21 that leak we all fear take place?

22 How much radioactivity will be released?  
23 Over what period of time? How long would it take to  
24 shut the plant down and stop radiation from leaking?  
25 What if it were the spent fuel facility that cracked

1 first? On what basis are the projected answers to  
2 these questions being made? When will the public be  
3 moved out of range? What number of casualties and  
4 damage are to be expected?

5 What steps exist to prevent such a  
6 scenario? At what point in this progression would you  
7 intervene? If Seabrook is operating outside its  
8 design basis, what are the next steps? These  
9 questions must be answered in the director's decision.

10 As concerned citizens and as an agency  
11 charged by the Massachusetts Board of Public Health  
12 for Radiological Emissions, we declare that this  
13 situation is an emergency, warranting immediate  
14 enforcement of Seabrook's original license and the  
15 mission of the NRC. We call on you to act boldly and  
16 decisively, in view of these threats to public health  
17 and safety.

18 Must we wait for a disaster before  
19 bureaucratic inertia can be shaken off, before you  
20 will look at the forest before the trees? There is  
21 ample evidence already of damage to the environment  
22 caused by Seabrook. The Boston EPA filed a report in  
23 August 2015 detailing damage to numerous fish and  
24 mollusk species, to which you responded. You are well  
25 aware of this.

1           In the Fukushima disaster, the operating  
2           company TEPCO is now being held responsible for not  
3           foreseeing the disaster brought on by the tsunami, and  
4           the intense interrelationship, indeed collusion  
5           between industry and government is being held  
6           accountable for the damage still being done by that  
7           disaster.

8           But the Fukushima disaster was at least  
9           caused by a relatively unforeseeable natural event.  
10          Disaster at Seabrook is clearly foreseeable, and you  
11          can clearly see it. What value do you place on the  
12          life and health of my colleagues? Of Ms. Gavutis, of  
13          her grandson, her farm?

14          What about the health of my son, who lives  
15          within the radius of Seabrook? What about the  
16          Senators from New Hampshire and our governor? What  
17          about the city of Boston? The contempt for the lives  
18          and health of the public that is communicated by the  
19          obsession with paper work is not only outrageous, it  
20          prevents you from actually accomplishing your mission.

21          Seabrook should not be operating. You  
22          have yourself said that it is non-conforming with its  
23          design basis. You and only you have the power to stop  
24          it. We demand, insist and plead that you use your  
25          power to carry out your mission and purpose. It is

1 clear that NextEra will not take appropriate steps on  
2 its own.

3 We call on you to take any and all steps  
4 necessary immediately to fulfill your purpose and  
5 prevent a disaster at Seabrook due to the rapid  
6 progression of ASR and its structures. The situation  
7 at Seabrook is an emergency, and it requires urgent  
8 action.

9 We ask you to reconsider our 2.206  
10 petition and approve it, and immediately require  
11 NextEra to fully and publicly study and resolve the  
12 degradation caused by ASR at Seabrook.

13 (Off mic comments.)

14 MS. GRINNELL: We do have enough, and it  
15 is that we do know that the NRC is going to receive  
16 NextEra's 30 day response to the NRC letter. But we  
17 don't know if it happened on June 6th of this year and  
18 if not, did NextEra request an extension and on what  
19 basis?

20 So that's a very important letter, because  
21 it told us a great deal about how -- how the ASR at  
22 Seabrook has evolved so quickly, and you held them  
23 very responsible. But we want to know what the answer  
24 is. Thank you.

25 MS. GAVUTIS: Yes. Could we get that



1 response in writing to us please?

2 MR. NORD: Chris Nord again. Along with  
3 open spaces and magnificent natural resources, the  
4 health of the general public is part of the common  
5 that is the birthright of our citizens.

6 While there is no manual for this, it  
7 turns out that in a democracy the common is in its  
8 aspects, it's finally the responsibility of the  
9 citizens and the citizenry, and the agencies of  
10 government can only fulfill their duties to the extent  
11 that they facilitate the action of citizens in  
12 protection of the common.

13 Obviously therefore, NRC adequacy in the  
14 facilitation of citizen action on behalf of the common  
15 is tied directly to your stated mission, the  
16 "protection of public health and safety," because you  
17 work for us and not the corporations whose business  
18 you are charged to regulate.

19 We expect you to fulfill your stated  
20 mission and facilitate our actions for the protection  
21 of our homes, family, community. By the way, the  
22 assignment of the weight of law for de facto  
23 conditions, as in the use of ASTM and ACI standards,  
24 does have precedent in both U.S. and international  
25 law.

1           We believe NRC's upside-down mind set of  
2 corporate over citizen interest has compelled this  
3 two-phased shell game. Part 1, the de facto use of  
4 ACI and ASTM standards without teeth, that is without  
5 enforcement. Part 2, maintenance of the facade of a  
6 petition process that seemingly allows for meaningful  
7 citizen intervention while in practice allowing none.

8           What recourse can citizens find beyond  
9 this room? Meaningful regulation on your part,  
10 particularly with the safe sequester of deadly toxins,  
11 as a matter of absolute priority, must result in  
12 timely action.

13           While you and the corporate interests with  
14 whom you collaborate through your dance of delay,  
15 years pass and no action is taken to face the extreme  
16 threat ASR poses to the structures protecting U.S.  
17 citizens from harm.

18           Of courses, this alkali-silica reaction  
19 continues to degrade concrete at Seabrook Atomic Unit  
20 1. While you continue to regulate by encouragement  
21 alone, you may need to create a new operability  
22 designation as one of the paper fixes you are so well  
23 known for.

24           I would like to offer collapsing but  
25 operable from a remote location. That's a joke.

1 Before Seabrook Atomic Unit 1 degrades to that point,  
2 we must insist that you begin to enforce the  
3 appropriate ACI and ASTM standards that are the basis  
4 of our petition request. Thank you.

5 (Off mic comments.)

6 CHAIR TAYLOR: I want to thank all of you  
7 for the thorough statements that you've given today.  
8 I think you've given us a transcript that we'll have  
9 to review to capture all of the comments as best I  
10 could.

11 It's a lot of good information. The  
12 perspectives that you provided are interesting and we  
13 certainly understand the concerns you're raising, and  
14 appreciate you engaging in this process.

15 Although I can respect your perspectives  
16 on the outcome of the process and how it may play out.  
17 But of course will take into consideration everything  
18 you provided today. With that, I want to open the  
19 floor up here for any NRC staff who may have questions  
20 that they want to ask.

21 MR. LAMB: This is Jim Lamb, a question.  
22 You mentioned something about the petition for  
23 rulemaking. Could you provide the date of that? You  
24 said it was like eight years ago that you submitted  
25 that?

1 MS. GAVUTIS: The date was in December of  
2 2014.

3 MR. LAMB: Okay, 2014.

4 (Off mic comments.)

5 MS. TEED: I'm so sorry. I believe the  
6 petition that Sarah was referring to that would be in  
7 this case related to a petition that was filed eight  
8 years ago regarding the hardened storage, and that --  
9 although that was submitted eight years ago, two weeks  
10 ago we received a partial response on that as part of  
11 our great concern, that now something we've submitted  
12 in 2014 not take another eight years for a response.

13 MR. LAMB: Thank you. The other thing as  
14 you mentioned, the core samples that the licensee  
15 took. I didn't catch all those. You said they took  
16 samples but there was no test results. Do you have  
17 those?

18 MS. TEED: NextEra took 40 cores and they  
19 took the cores, but they didn't test them. So there  
20 were three incidences where there were five of them  
21 that were taken as part of the negotiation that  
22 NextEra had with the NRC, and they refused to test  
23 them. And you had made an agreement that you made  
24 with the industry that this would be done, but you  
25 don't have regulation.

1 MR. LAMB: I guess do you have  
2 documentation?

3 MS. TEED: I do. I can send that to you.

4 MR. LAMB: That would be great, because I  
5 didn't catch all those. I'm not sure if it's on the  
6 transcript or not but --

7 MS. TEED: I have that documentation.

8 MR. LAMB: Okay thanks.

9 MR. NORD: May I just add to that, that I  
10 think that it might be possible, and this is  
11 conjecture obviously, because we don't know what there  
12 results of any testing might be, it seems possible to  
13 me that they actually did the testing and just haven't  
14 released the results. In other words, we know they  
15 took the cores. We don't know what was done to them.

16 MS. GRINNELL: I do actually know from  
17 FOIA'd reports that there were incidences, and I think  
18 it was the five that were taken from containment, that  
19 the NRC did struggle with trying to get NextEra to get  
20 them done. But again, without a regulation there's no  
21 way to enforce it and they never saw, as far as I  
22 know, those cores again.

23 CHAIR TAYLOR: So that raises a good point  
24 Debbie, and I want to ask a question that following  
25 on. Sarah brought it up during the discussion here.

1 The Petitioner that you submitted, the 2.206 that you  
2 submitted asks for, and I'm going to read it here just  
3 to be clear.

4 It calls for the NRC to issue an order to  
5 the Seabrook licensee requiring immediate  
6 implementation and enforcement of ACI 349.3R and ASTM  
7 Charlie 856-11 code standards, and then it goes on to  
8 state what those actually are. You're asking the NRC  
9 to impose new requirements, if I'm reading this  
10 correctly. Is that correct?

11 MR. NORD: May I speak to that?

12 FEMALE SPEAKER: In what petition? I'm  
13 sorry.

14 MR. NORD: This is the current one, the  
15 current one. Do you all mind if I speak to that  
16 first?

17 FEMALE SPEAKER: Please.

18 MR. NORD: The point that I was trying to  
19 make in my presentation is that you all, NRC, has not  
20 formally adopted these standards. You have de facto  
21 adopted these standards, and that in -- because of the  
22 nature of the crisis that we consider Seabrook  
23 operates currently under, we are asking you to take  
24 the next step, which is to enforce the de facto  
25 standards you already use.

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1           You people talk to NextEra and they  
2       respond to you in the language of ACI and ASTM all the  
3       time, and if you go to the supporting document that  
4       David Lochbaum provided when we submitted our 2.206,  
5       he provided additional commentary, you have the whole  
6       list of instances where NRC is speaking to NextEra in  
7       terms of ACI and ASTM documents.

8           That is a de facto use of employment of  
9       these standards. It is a known fact, it's common  
10      knowledge. This is like a common law marriage, if you  
11      will, between the industry and these standards, and we  
12      are asking you, from our perch as citizens of the  
13      ingestion pathway, to do the right thing and instead  
14      of waiting for another eight years, actually use the  
15      standards that the best people in the world, you know,  
16      dealing with concrete have already devised for how to  
17      test concrete.

18           If that's imposed on NextEra, then NextEra  
19      will perform the petrographic tests that will reveal  
20      to all of us, them, you and us, exactly the status of  
21      the concrete at Seabrook. That's what we're asking  
22      for.

23           CHAIR TAYLOR: Thank you for that. I  
24      appreciate it. So and you got our initial response,  
25      which alluded to the petition for rulemaking that you

1 submitted to the NRC. My understanding about petition  
2 for rulemaking requests is that these standards be  
3 imposed on all operating nuclear power plants across  
4 the country. Is that correct?

5 MS. GRINNELL: Yes, yes.

6 MR. NORD: Do you all mind if I comment on  
7 that?

8 CHAIR TAYLOR: Anyone else as well.

9 MR. NORD: Do you mind if I comment on  
10 that? Okay. So we think that you all have a much  
11 bigger problem than you realize. We think that the  
12 chances that Seabrook is the only ASR-plagued reactor  
13 are minuscule. One of the reasons that you continue  
14 to live in the dream world, that Seabrook is the only  
15 reactor with ASR, is that you are relying on visual  
16 inspections.

17 Visual inspections are on your website as  
18 a primary tool for looking for concrete degradation.  
19 It's right on your website. I've looked at it, and  
20 that's nuts. We know so much more and you know so  
21 much more about how this must be done. All of the  
22 sophisticated knowledge having to do with the testing  
23 of concrete says that you cannot rely on visual  
24 inspection alone as a way to determine the presence of  
25 ASR.



1           In other words, ASR, if you see cracks,  
2           you know ASR exists or ASR is, you know, that is a  
3           primary way. If you see it, you know that it's there.  
4           If you don't see, that does not mean that it doesn't  
5           exist. But for NRC to continue to work in all of its  
6           other reactors as though visual inspection is the way  
7           to find this out, you are going to continue to live in  
8           a dream world, which will end up being very unsafe for  
9           the rest of the reactor community.

10           We're trying to do you a favor over here.  
11           We are your test case, and we're saying you already  
12           have the standards that are right smack in front of  
13           you. For the love of God, use them.

14           MS. GAVUTIS: The reason we sent the  
15           petition for rulemaking for all plants is because  
16           Seabrook was not discovered until it was moderate or  
17           severe in an important Category 1 building.

18           So to avoid that happening at another  
19           plant, before you found that they one, don't do the  
20           visual inspection properly so you need implementation  
21           for that. I think we all know that now after looking  
22           at Seabrook's problem.

23           Then if you do have these regulations, you  
24           can have them implemented and you can supervise those.  
25           You can't really do this if you don't have a

1 regulation where you have an implementation of what  
2 the core is telling you and what the ACI is telling  
3 you, so that you know every specific part of it, that  
4 they should know deeply and make the right decisions  
5 about.

6 NextEra has made assumptions that have  
7 been incorrect from the very beginning. Not only have  
8 they withheld information because it was convenient  
9 for them not to look, but also they honestly haven't  
10 read the ACI regulation that we think should be one,  
11 but it certainly is a standard, and they don't have  
12 the depth to be able to do the examination. Thank  
13 you.

14 MS. GRINNELL: All of this is centered  
15 around the need to understand how far away from us a  
16 truly dangerous cracking situation is. There is  
17 currently nothing on record that allows us to predict  
18 the rate of the acceleration of the ASR in Seabrook or  
19 the extent of it.

20 We are reliant on reports coming from  
21 NextEra about what they have found that they filed  
22 with you. What we know for sure is that that is not  
23 the whole picture. I think historically speaking,  
24 probably it is the case that ASR as a problem in  
25 concrete structures was not originally identified.

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1           It's not something that was conceived when  
2           Seabrook was built. It's a form of degradation that  
3           has been more common in roadways and in other types of  
4           areas like that, and that when it was first found in  
5           Seabrook, there was no existing infrastructure to  
6           treat it or approach it.

7           So all of this is about trying to  
8           understand how much time there is before we really are  
9           facing a disaster, and our understanding of the  
10          literature and from the experts with which we have  
11          consulted is that petrographic testing is the only  
12          thing that is going to let us know what the rate of  
13          progression is and is expected to be. Thank you.

14          CHAIR TAYLOR: So I want to continue. Are  
15          there any other NRC staff here at headquarters with  
16          questions for C-10?

17                 (No response.)

18          CHAIR TAYLOR: Seeing none in the room,  
19          those in the Region?

20          MR. BOWER: No questions from here Rob.

21          CHAIR TAYLOR: Thank you. I think there  
22          was a representative from the licensee on the phone.  
23          Is there any questions from the licensee?

24          MR. HAMRICK: Oh yes, this is Steve  
25          Hamrick. No questions, thank you.

1 CHAIR TAYLOR: Thank you, Steve. Okay.  
2 So are there any other members of the public present  
3 or on the phone who have questions regarding the 2.206  
4 petition process? Mr. Gunter. Please identify  
5 yourself sir.

6 MR. GUNTER: Thank you. My name is Paul  
7 Gunter. I'm with Beyond Nuclear. So my question, my  
8 process question deals with news accounts that we saw  
9 June 2nd, 2016 out of newspapers in Gloucester and  
10 Newburyport, that regard a letter to Chairman Stephen  
11 Burns from Massachusetts Representatives Ann-Margaret  
12 Ferrante from Gloucester, Massachusetts;  
13 Representative James Kelcourse from Amesbury; State  
14 Senator Daniel Wolfe from Harwich, Massachusetts and  
15 Senator Kathleen O'Connor Ives from Newburyport.

16 In their letter to the Chairman, the state  
17 legislators are requesting that Seabrook station be  
18 shut down based on three items. But I think the item  
19 that we're most concerned with here has to do with  
20 ASR. So the number one concern that drives the call  
21 for the shutdown of Seabrook is ASR.

22 So my question then directed to this  
23 Petition Review Board is how do you as a review board  
24 treat a request for revocation of an operating license  
25 based on the principle concern that you have before

1 you today by the Petitioners C-10?

2 So is this -- do you -- let me first of  
3 all ask, is the PRB aware of this ASR concern tied by  
4 these legislators to a call for the revocation of the  
5 operating license?

6 MR. LAMB: This is John Lamb. There's  
7 been numerous Amesburyport, Newburyport, probably  
8 about a dozen, half a dozen other towns within the ten  
9 mile radius, the councilmen and council people, town  
10 members have sent in letters similar to the one you  
11 just saw from the Commonwealth of Massachusetts, from  
12 their state senators.

13 So there are similar letters. What  
14 happens when they come into the Chairman, they get  
15 ticketed by the Chairman's office and they come down  
16 to NRR, who then typically provides a written response  
17 to the individuals. So once again, that will be put  
18 in that process.

19 We usually let the people know that if  
20 they wish -- if they have a 2.206, usually in the  
21 letter it will say the 2.206 process, if they wish to  
22 -- it's kind of implied. They didn't say they want it  
23 in those letters, but you know sometimes it could be  
24 interpreted are they asking for that.

25 So we probably -- we quickly tell them

1 here's the process. If you wish to proceed with that,  
2 let us know and then we can turn the letter into a  
3 2.206.

4 MR. GUNTER: So as of this date, you are  
5 not treating their call for a revocation of the  
6 operating license of Seabrook by state legislators as  
7 a part of this formal petition?

8 MR. LAMB: I think that -- I'm not aware  
9 that the letter has made it down to us yet out of the  
10 Chairman's office. So I don't think we can answer how  
11 we would treat that letter. We haven't seen it yet.  
12 I received it yet but I did see it in the newspaper,  
13 so I'm aware of that.

14 Like I said, there's been a half a dozen  
15 or so more from other petitioners and I know among  
16 your council people around the area. And I always --  
17 in the letter I stated in there that if you wish to  
18 proceed in 2.206 here's the process, and if you wish  
19 to do that process.

20 We haven't gotten any from the councilman  
21 that have decided to do that. It's kind of we wanted  
22 -- just we wanted a response from the Chairman and the  
23 Chairman's office.

24 MR. GUNTER: Are these additional concerns  
25 -- so you've provided these letters with a response?

1 MR. LAMB: That's correct.

2 MR. GUNTER: That says that if you wish to  
3 process this as a 2.206 petition, that you need to  
4 respond more explicitly?

5 MR. LAMB: Well, I think you just call us  
6 or email us and let us know that that's what they  
7 wish.

8 MR. GUNTER: Right.

9 MR. LAMB: So it's not clear from the  
10 incoming letter or C-10 when their letter said we're  
11 putting this in under 2.206. This is what we wish.

12 MR. GUNTER: Right.

13 MR. LAMB: These other letters are kind of  
14 like hey, we're concerned citizens in this area or  
15 state people, and we wish that Seabrook would be shut  
16 down and here's why we think it is and they kind of  
17 just leave it at that. So they haven't said hey, we  
18 wish the 2.206 petition. Please shut them down and  
19 requesting enforcement action.

20 MR. GUNTER: So if somebody sends you a  
21 postcard that says you should revoke, suspend or  
22 modify this license, or with the intent to revoke,  
23 suspend or modify the license, do you or do you not  
24 take action?

25 CHAIR TAYLOR: It's hard Paul to speculate

1 on what such a postcard would say, and we would  
2 consider the postcard an attempt to correspond or  
3 understand the intent from the individual of what they  
4 want. Because the 2.206 process does probably involve  
5 some engagement, and some folks may wish to express  
6 their views but not want to further engage at all in  
7 this type of a process.

8 So we have to see what the intentions or  
9 desire of the individual submitting that was, to know  
10 --

11 MR. LAMB: Okay, right. And in this case,  
12 the reason I bring this up is that these requests to  
13 revoke, suspend or modify the Seabrook operating  
14 license are based on ASR concerns, similar to the  
15 concerns or identical to the concerns of the petition  
16 that's before you now.

17 John will correct me if I'm wrong here,  
18 but I believe within the 2.206 process, this is C-10's  
19 2.206. So if they want comments on the record as part  
20 of their 2.206, they decide whether they -- we should  
21 consider those within their respect, just as they did  
22 with UCS' comments.

23 They requested we consider them as a  
24 supplement to the 2.206 process and we did as such.  
25 But C-10 as the 2.206 petitioner in this case has that



1 ability, because those views expressed by other third  
2 party individuals may not reflect C-10's interests or  
3 desires or maybe not be sufficiently complementary,  
4 and they can decide that they don't want them  
5 considered.

6 So we do not, just because another entity  
7 sends in a letter, consider it the same thing as  
8 C-10's 2.206 and consider it within the respect of  
9 that, because that may not be C-10's wish.

10 MR. GUNTER: Okay, thank you.

11 CHAIR TAYLOR: So let me turn again to  
12 Debbie and ask, thank you for taking the time to  
13 provide the NRC staff with the clarifying information  
14 that you provided in the submittal. I think you've  
15 given us a lot of good information. We'll have a  
16 thorough process for review as we consider what we're  
17 going to do with your petition, and of course we'll  
18 get back to you.

19 So before we close, does the court  
20 reporter need any additional information for the  
21 teleconference transcript?

22 COURT REPORTER: Hi. This is the court  
23 reporter. If I could get the names of other NRC staff  
24 that are present, that would be great.

25 CHAIR TAYLOR: John Lamb has a list that

1 can be provided separately, that will give you the  
2 names of all the individuals from the NRC who  
3 participated.

4 COURT REPORTER: Yeah. That would be  
5 great.

6 CHAIR TAYLOR: Okay. We will get that to  
7 you.

8 COURT REPORTER: Okay, thank you.

9 MS. GRINNELL: I'm sorry. I'm just  
10 wondering what the time table is for a response from  
11 the PRB, a full response to this current petition?

12 CHAIR TAYLOR: I think you've given us a  
13 lot here. It's going to be a hefty transcript to  
14 review, and so the PRB's going to have to consider  
15 what you provided.

16 I think within a couple of months is  
17 probably a reasonable schedule. Of course, a  
18 director's decision requires us to go up through the  
19 chain of our supervision and ensure that they're on  
20 board with our disposition or response as we accept or  
21 reject or however.

22 So I think it's going to be a couple of  
23 months. But John will be a point of contact for you  
24 on the status of the petition. So at any time if  
25 you're interested, of course you can reach out to

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1 anyone. We'll tell you where we stand on the process.

2 MS. SKIBBEE: May I ask a follow-up  
3 question to that? Pat Skibbee. Under most processes,  
4 a public request for action to governmental agencies,  
5 there is actually a legislated time frame. And so  
6 from your answer, it doesn't appear that's the case  
7 here, that there's a three month limit or a 60 day  
8 limit or whatever?

9 CHAIR TAYLOR: We have -- so John is the  
10 petition manager and he is in the Division of Operator  
11 Reactor Licensing. He is the manager for Seabrook.  
12 The 2.206 process manager, the person who owns the  
13 actual entire process wasn't able to join us today.  
14 We can double-check the procedure with regards to the  
15 schedule, if there's one dictated in our procedure.

16 But it would be covered in the management  
17 directive. So if there's something in the management  
18 directive relative to that, we'll get back to you.

19 MR. LAMB: Yeah. Those time frames are in  
20 the management directive. There's no legislative.  
21 It's not like it's in the regulations that it has to  
22 be written. 2.206, it just says "in a timely manner."  
23 It doesn't say, whereas our management directive is  
24 kind of guidance. Some of these are shorter and some  
25 of them are longer than others. So it depends.

1 CHAIR TAYLOR: Yeah.

2 MR. LAMB: We have to review the  
3 transcript and the hardest part is trying to get all  
4 the people, all the PRB members that are free at the  
5 same time to have a meeting. So that's one of the --  
6 and then we have to get our management to be on board  
7 with us.

8 CHAIR TAYLOR: So we'll double-check the  
9 management directive and get back to you.

10 (Off mic comment.)

11 MS. GAVUTIS: Now that works. Yeah, okay.  
12 There was a very large report done by the Employees  
13 Legal Project, and it addresses numerous concrete  
14 issues when Seabrook was being built. We gave a copy  
15 of it, which is about this thick, to Commissioner  
16 Allison when she visited with us to discuss some of  
17 our concerns at Seabrook.

18 I believe that it's with the  
19 Commissioners, but it might shed some light on the  
20 problems that have plagued Seabrook Nuclear Power  
21 Plant from the beginning with concrete. Thank you.

22 CHAIR TAYLOR: I think you're referring to  
23 former Chairman Allison McFarlane?

24 MS. GAVUTIS: Yes.

25 CHAIR TAYLOR: She is no longer with the

1 Commission.

2 MS. GAVUTIS: I know.

3 CHAIR TAYLOR: So I don't know what  
4 happened to her records relative to that. If we do  
5 not recover that, because they might have been her  
6 personal records, we'll reach out to you afterwards.

7 MS. GAVUTIS: Okay, thank you.

8 CHAIR TAYLOR: Debbie.

9 MS. GRINNELL: There -- unfortunately, I  
10 think that the look at construction doesn't seriously  
11 get a look by the NRC after they get their license.  
12 But unfortunately, because what you have is an active  
13 and progressive form of degradation, and there were  
14 numerous problems with containment, not containment  
15 but concrete that occurred during the construction  
16 period, and that was really from 1970 to 1980 or  
17 longer.

18 These were serious issues, and they  
19 couldn't possibly not have a very negative effect on  
20 this plant, given that now it has ASR. It always had  
21 ASR, but it wasn't an active and progressive form that  
22 it is now. But when you look back to the construction  
23 documentation, what you see is this is a problem that  
24 we said at that time was passive. We're not really  
25 worried about it.

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1 But to now look at that and say my God,  
2 there's ASR that's active everywhere, and these were  
3 the problems that at that point we didn't take  
4 seriously. They were unresolved. Many of them were  
5 unresolved, but there wasn't an overwhelming feeling  
6 that this was going to be a safety issue.

7 I think we can look at ASR developing in  
8 these very weak areas as a serious problem. Thank  
9 you.

10 CHAIR TAYLOR: Thank you, Debbie. Well  
11 again, I want to thank C-10 for the time and for  
12 coming down to talk to us today, and appreciate your  
13 perspectives, and we have a lot to review as we go  
14 forward. So with that, I'm going to adjourn the  
15 meeting. Thank you again.

16 (Whereupon, the above-entitled matter went  
17 off the record at 3:50 p.m.)  
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