

NWX-US NUCLEAR REGULATORY COM (US) - A

**Moderator: Manny Comar
October 26, 2017
10:00 am CT**

Operator: Welcome, and thank you for standing by. We'd like to inform all parties that today's conference is being recorded. If you have any objections, you may disconnect. And thank you, you may begin.

Manny Comar: Okay, thank you. I'd like to thank everybody for attending this meeting. My name is Manny Comar, and I am the NRC Project Manager for the Turkey Point Units 6 and 7 Nuclear Plant.

We are here today to allow the Petitioner, Mr. Thomas Saporito to address the Petition Review Board, the second time, regarding the 2.206 petition dated May 2, 2017, which was later supplemented by the petition dated May 22, 2017.

I'm also the Petition Manager for the Petition. The Petition Review Board Chairman is Miss Anna Bradford, who is the Deputy Division Director in the Division of New Reactor Licensing.

As part of the Petition Review Board's review of this petition, Mr. Saporito has requested, for the second time, this opportunity to address this PRB. This

meeting is scheduled from 11:15 to 12:00 pm, Eastern Daylight Time. The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter.

This transcript will become a supplement to the petition. The transcript will also be made publicly available.

I'd like to open this meeting with introductions. The PRB Chair is Anna Bradford, and I'd like the rest of the Petition Review Board Members to introduce themselves. As we go around the room, please be sure to clearly state your name, your position and the office that you work for within the NRC, for the record. I'll start off.

I am Manny Comar, and the Project Manager for Turkey Point Units 6 and 7.

Anna Bradford: I'm Anna Bradford. As Manny said, I am the Deputy Director in the Division of New Reactor Licensing in the Office of New Reactors, and the Petition Review Board Chairman.

(Marsha Signman): My name is (Marcia Simon). I'm an attorney in the Office of General Counsel.

(David Chance): (David Chance) from the Office of Enforcement.

(De Techo Fed Sav): (De Techo Fed Sav) from Office of New Reactors.

Manny Comar: Are there any NRC participants from the Headquarters on the phone? Any participants from the Regional Office on the phone? Are there any representatives for the Licensee on the phone? Mr. Thomas Saporito, would you please introduce yourself for the record?

Thomas Saporito: Yes, I'm the Petitioner, Thomas Saporito.

Manny Comar: It's not required for members of the public to introduce themselves for this call, however, if there are any members of the public on the phone that wish to do so at this time, please state your name for the record.

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

For those dialing into the meeting, please remember to mute your phones to minimize any background noise or distractions. If you do not have a mute button, this can be done by pressing the Star-6 key button. To unmute, press the Star-key-6 keys again.

Thank you, and at this time I'll turn it over to the PRB Chairman, Miss Anna Bradford.

Ann Bradford: Welcome to the second meeting regarding the 2.206 Petition submitted by Mr. Saporito. The purpose of today's meeting is to give the Petitioner a second opportunity to provide additional explanation or support for the Petition before the Petition Review Board's final consideration and recommendation.

This meeting is not a hearing, nor is it an opportunity for the Petitioner to question or examine the PRB on the merits of the issues presented in the Petition Request.

No decisions regarding the merits of this petition will be made at this meeting. And following this meeting, the Petition Review Board will again conduct its internal deliberation.

The outcome of this internal meeting will be discussed with the Petitioner. The composition of the Petition Review Board is made up of members, as explained in NRC Management Directive 8.11.

As described in our process, the NRC staff may ask clarifying questions in order to better understand the Petitioner's presentation. But now, let me summarize the scope of the Petition under consideration, to date.

On May 2, 2017, Mr. Saporito submitted a petition under 2.206 seeking enforcement action against the Florida Power and Light Company and requesting NRC to revoke or deny any requested NRC license requested by the Licensee to build or construct or conduct licensed operations at the proposed Turkey Point Units 6 and 7.

This Petition was later supplemented on May 22, 2017, seeking enforcement action against Florida Power and Light and all other NRC Licensees with an AP1000 reactor or reactor design with a request that NRC revoke or deny any requested NRC license requested by the Applicants or Licensees to build or construct or conduct license operations of any nuclear reactor employing the AP1000 nuclear reactor design.

The information that Mr. Saporito provided to support the Petition was identified in the last meeting of July 6, 2017. On August 1, 2017, Mr. Saporito requested a second meeting with the PRB. In October 25, 2017, has provided additional information, through email, for the PRB's consideration.

As a reminder for the phone participants, please identify yourself if you make any remark, as this will help us in the preparation of the Meeting transcript that will be made publicly available.

Did someone else just join the call?

Okay. So, Mr. Saporito, I will turn it over to you to allow you the opportunity to provide any additional information you believe the PRB should consider as part of this Petition. And you have about 40 minutes for your presentation.

Mr. Saporito?

Thomas Saporito: Okay, thank you. It was my understanding I would have an hour, so if I take over 40 minutes, we're going to have an issue. But we'll see how it goes.

Anna Bradford: (Okay).

Thomas Saporito: First of all, I want to put on the record that since our initial meeting, Duke Energy has cancelled construction of its nuclear plant in South Carolina.

And I sent some information to Manny Comar to provide to the Petition Review Board. And there's an August 25, 2017 Bloomberg News article that talks about that. He confirms that the South Carolina reactors are not - you know, they're not going to be built by Duke Energy. And Westinghouse was the initial main contractor on that, and they have filed bankruptcy, as I explained in my initial meeting.

In the second article that I want to cite to that effect is the August 26, 2017 news article by the Enquirer - Enquirer.net - about billions down the drain as nuclear plants scrap. And it talks about the Santa Fe (Cooper)'s Board and the

decision to end the construction would save customers an estimated \$7 billion. And so, that two articles have confirmed that decision to cancel those plants.

In addition to that, there's a news article by (PowerMassing).com. It's dated August 4, 2017, that the PRB doesn't have on the Internet. Anyway, it talks about that two (Vogtle) plants by Georgia Powers that they are proposing the AP1000 nuclear reactor be built there. They're talking about the cost running to 20 billion -- with a "B" -- \$20 billion.

And it talked about that utility, how it's approached the Public Service Commission there, they tried to get the public to pay for that. So, I'm not sure whether a decision has been rendered by the Public Service Commission or not, to date, with respect to that.

But I will point out to this Board, you know, and I'll cite the regulation to you in a little bit, but the NRC requires a fiscal responsibility that the Applicant has to have the financial wherewithal and technical expertise to build these reactors.

And Georgia Power hasn't demonstrated either, because the estimates to build these plants are way overblown, and what they initially inferred to the NRC. And their technical capabilities through their contractors are in jeopardy right now, because they're depending on Westinghouse, and other, and Toshiba, and whatnot, who are in bankruptcy proceedings.

So, there's two big issues right there that should concern the Nuclear Regulatory Commission, with the respect that it's import to the Petition.

And next, I want -- before we get into the meeting on this petition -- I want to talk very briefly here about the emails received from Manny Comar of the

NRC, the contact person here, as to the reasons that the Petition Review Board initially rejected my Petition after I made a presentation at our first meeting.

And I want to, first of all, cite -- well, first of all, let me just read that email. It says here, in your -- because I asked what were the reasons.

And his response was, "Your testimony that you gave on July 6, 2017, to the Petition Review Board between the hours of 1:00 and 2:00 pm rated your 2.206 Petition dated May 2, 2017, and later supplemented May 22, 2017, related to AP1000 nuclear power plants, you have quoted, 'Seven months after work began in May of 2010, and (Shaw) had already conducted an entire review, apparently at the request of the Nuclear Regulatory Commission, the document problems they had in producing the components.'"

And in another statement, "The next four years, regulatory internal inspection at Lake Charles found problems associated with the effort to construct marginal reports to fit the new Westinghouse design. And that is all documented in publicly available NRC records."

And he goes on to say, "What I have quoted to you is two examples what you verbally stated to the PRB on July 6, 2017. This is in response to your (MEE-NO) request."

So, that was the reason that he gave me that the PRB rejected my enforcement decision. So, I challenged that, and then he now (debated) -- what's the date of that email -- August 7, 2017, it was sent at 10:13 am by Manny Comar.

And then so I challenged that, and I asked him to, you know, amplify those comments and explain in more detail.

And he writes back on August 14, 2017, at 4:24 pm, he says, "There are additional reasons for rejecting the Petition. And they were provided in the same email dated August 1, 2017. You are being offered an additional opportunity to address the PRB in the next meeting, and it's scheduled during the week of September 11, 2017, since you declined for an opportunity for a meeting on August 10th."

"Additional" -- before I read the next paragraph, well, let me just clarify. I didn't reject an opportunity, I just was not available for that date. So, he pulled that out of context.

Anyway, his next paragraph, he says, "Additional information considered by the PRB in reaching the initial decision includes the fact that the AP1000 design by Westinghouse has been reviewed and certified by the NRC for use by an Applicant that complies with other conditions."

It doesn't say what the other conditions are.

Then he goes on to say, "Also, the PRB considered that the one time pre-licensing financial qualifications evaluations performed by the NRC determined that the Applicant -- not the affiliated contractor, subcontractors and other construction and operation support company -- possesses or has reasonable assurance of obtaining the funds necessary to cover the estimated construction costs raised at (unintelligible) costs.

The concerns expressed information provided do not impact the financial qualifications of the AP1000 Applicant. Westinghouse is not an Applicant, nor is the Licensee, but merely a designer whose design has been pre-certified by the NRC and its financial situation has no bearing on the financial well-being of the AP1000 Applicant."

So, that was his stated reasons in writing why the PRB rejected my Petition, and it essentially has to cover the merits of what I claimed on the record on that date, and specifically on July 6, 2017.

The transcript is Work Order NRC-3159, and specifically on Pages 23 and 24, at the bottom of Page 23, I go on to state that the NRC cannot have any reason - any assurance - that any part manufactured by Westinghouse Corporation or any contractor or subcontractor to the Westinghouse Corporation was properly made and meets NRC requirements and specifications under Title 10 of the Code of Federal Regulations, Parts 50, 52 and any and all other NRC regulations and requirements, with respect to the AP1000 nuclear reactor.

So, Mr. Comar, speaking on behalf of the NRC Petition Review Board, failed to even consider those comments, which are part of the record - the official record - which I made on the first meeting. Yet, the PRB, nonetheless, rejected my position out-of-hand without due consideration of that evidence.

Now, I want to go on and talk about this continued meeting - this second meeting here - with respect to the same enforcement issues.

Okay. The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings. It's not just the Commission's staff, it's also just the Petition Review Board who are subject to these same regulations, found in 10c of Par 52.97 and 10c of Par 51.107.

Those findings that must be made for each COL, so you -- well, from FPL and other Licensees in the RQ are requesting to build these AP1000 reactors. Those findings are (flawed).

The issue is pursuant to the Atomic Energy Act of 1954: As amended, the Commission will determine, 1) the applicable standard and requirements of the Act, and the Commission's regulations have been met, 2) any required notifications to other agencies or bodies have been duly made, 3) there is reasonable assurance that the facility be constructed and will operate the conformity with the license, the provisions of the act and the Commission's regulation, 4) the applicant is technically and financially qualified to engage in the activities authorized, and 5) issues of the license will not be inimical to the common defense and security of the health and safety of the public.

And now I'm going to go on to explain in detail why Parts Number 3, 4 and 5 - that the Applicant simply has not met, to date, and cannot be met in the future. And the NRC PRB should pay close attention to those issues, because they are your regulations.

First of all -- this other paper here -- I sent the PRB, through Mr. Comar, an article date - it's dated May 16, 2017. It's entitled, "FPL Postpones Turkey Point Nuclear Expansion for at Least Four Years."

Right? So, FPL has no intent any longer to build these nuclear plants. But they want the license anyway. They want the authorization by the NRC to build them -- even they don't want to build them -- and that's a decision that's going to be put off for some time.

Because while FPL is not going to talk about it - because while FPL told Regulator -- this is the Miami Herald article, by the way. Because while FPL told Regulator that it still intends to pursue a Federal license that will clear the way for construction, the delay means two next-generation reactors initially

projected to go online and as early as 2018 and 2020, likely would not fire up for perhaps another decade.

It goes on to say, "Lawmakers now require the utility companies to prove their project is feasible before the Public Service Commission gives the company permission. This is a preconstruction phase of the project, and..."

It goes on to talk about a quote by that attorney for the City of Miami who says, he's quoted as saying, "If the project isn't feasible and practical, then the costs incurred are not prudent." That was Victoria Mendez. It was a motion filed before the Florida Public Service Commission.

The article goes on to say, (Kelly) -- who is the representative of the public with the Office of Public Counsel, J.R. Kelly -- he argues that FPL should do what Duke Energy agreed to do in a settlement agreement with his office, after his customer spent more than 1.5 billion financing a failed nuclear project.

So, getting back to the NRC regulations, now, that's part of them. That's one of the regulations there -- that was Number 4 -- that the Applicant is technically and financially qualified to engage in activities authorized.

Well, apparently they're not financially able, and they're going back to the Public Service Commission. So, it appears that FPL has misled -- and Florida Power has misled -- the NRC into believing that they have the financial wherewithal to go forward with these projects.

Because every time they put a number out, they fail to meet that number, and they go beyond that. They need more money. And they need more financing.

As far as the technical wherewithal, the both Applicants are in trouble. FPL and Duke Energy, depending on Westinghouse and employees, and Toshiba employees, as part of their expertise in bringing these reactors online after construction and during the construction phase.

And there has been numerous layoffs by Westinghouse. I believe there was 1600 or more by Westinghouse alone. And the both of those contractors are in bankruptcy filing.

So, the wherewithal for the expertise and the technical ability for these Applicants - Florida Power and Light and Duke Energy - yes, not there any longer. So, they don't meet the regulations for financing. They don't meet the regulations for technical competence.

And furthermore, Westinghouse has been found by the NRC of often over enforcement to, you know, have missed constructive parts of these reactors and trying to do a cover-up of them, falsified documents and everything else. And they were penalized by the NRC for that.

So, the NRC cannot have any (mass) of reasonable shares, that any of these parts manufactured are actually qualified for NRC regulations like they're supposed to be, because these contractors are all driven by money, in contractual time periods and agreements. And so, they're going to be cutting corners, and they were caught, but that's not to say they haven't cut corners since. They just haven't been caught.

So, there's a mass of misleading that appears on behalf of Florida Power and Light Company and on power for Georgia Power Company to mislead the NRC with their financial wherewithal and their expertise to actually construct, and verify construction, on these AP1000 reactors. And the NRC should take

note of that, because the regulations require them - you have those qualifiers for the license.

I talked -- I mentioned that the Number 5 on the NRC regulations says "Issuance of a license will not be inimical to the common defense and security and the health and safety of the public.

Well, NRC should reject FPL, you know, well on anything - and Duke Energy, but especially FPL, at this point.

Because the COL of any request is simply a pain, an NRC license to build two AP1000 nuclear plants sometime in the future, maybe or maybe not, as the NRC's environmental impact statement recently issued to Florida Power and Light related to the construction of two AP1000 nuclear plants would no longer be valid in such circumstances where climate changes, environmental changes, wildlife changes, human habitat changes and other changes in the proposed construction area will change dramatically with time.

So, the NRC cannot simply give FP&L a license and say, "Well, here, yes. You build a plant ten years from now, 20 years from now, 100 years from now -- whenever you think you want to build them."

That's absurd. Either the Applicant is going to go forward and on the time schedule that they initially filed with the NRC, or they don't get the license.

You cannot just give them a license -- the government doesn't issue either in the space of this Republic driver's license and say to people, "Hey, you know, this is good forever. Drive when you want."

No. You got to get requalified. Everything - every license you apply for, you apply for for the time period. Here, you cannot have an open-ended license to these Applicants saying, "Well, we'll give you a license today, you build it 40, 50 years from now. That's fine. Everything will be valid."

Well, it's not. Because the NRC is required to do an environmental impact statement that's accurate, and recent, and conforms with its own regulations, and the other government regulations.

And the public has a right to challenge that environmental impact statement for any changes. So, FPL is not going to build these plants for ten more years. Well, a lot of things are going to change between now and ten years. The entire (State) could be under water, according to some settlement records, let's talk about climate change and sea level rise.

So, it's not reasonable, and it should not be allowed by the NRC.

Also, the NRC's own environmental impact statement - the NRC's feasibility studies are not accurate with respect to Florida Power and Light Applicant's Application for the AP1000 reactors.

And the Applicant itself, FPL, has apparently misled the NRC on submissions made by FPL to the NRC or the COL, and we can cite to a July 23, 2017, article by the Daily Insider, which PRB should have possession of. And this talks about -- the headline reads, "U.S. Natural Gas Supply is 52-Year High, with Shell accounting for 54% of total resources."

It goes on to say, "Specifically, the United States possesses a technically recoverable natural gas resource base of 2,817 trillion -- with a 'T' -- trillion cubic feet, yet to be discovered."

So, here's a natural resource, which apparently FPL didn't adequately address to the NRC when they submitted their application to build these nuclear reactors.

You don't need the nuclear reactors down here. There's an abundant -- more than an abundant -- source of natural gas, coal and oil -- all which the United States is now a producer of, not a taker from other areas in the world.

We produce, and we export it. We have more of those three utilities than we can actually use. And they're growing, because the electric cars are being turned out by more than four, maybe five manufacturers now.

As these vehicles continue to hit the road, less and less electrical demand is required. And less and less demand on our oil resources is required in this country. Therefore, those resources are made more available to the utilities like Florida Power and Light.

And that was not adequately considered by the NRC when they granted FPL the COL, or they were not adequately considered when the NRC did its environmental impact statement. Because that's part of it. You need to have these plans. What's the rationale? You need the mega -- you don't need the megawatts down here.

And for the reasons I just sent you, three other sources -- called fuel oil, the oil and natural gas. Plus, it takes the impact of solar. You know, if FPL properly shifted its customer base and installed solar panels, you could actually cut back on the non-nuclear plants down here.

So, the feasibility study that was submitted by the Licensee, FP&L, was not accurate, should not have been relied upon by the NRC in any way, shape or manner, and the NRC should have done its own study to ensure that FPL's studies were accurate.

And I can't find any evidence that the NRC did that, but there's ample evidence that the FPL assessment is flawed - seriously flawed - and should be rejected on that basis, alone.

And then, evidence provided to the NRC, the PRB, a February 22, 2016 document entitled, "Third Affidavit of (Mark A. Quarez)," and he's an expert witness. And this affidavit, prepared for some other proceedings, but this evidence all supports a finding why the nuclear reactors at Turkey Point should not be built - the AP1000 reactors.

It talks about deep-well injections and why you cannot -- you know, the NRC has recently approved FPL's request to put wastewater and tritium into the by-products of nuclear operations for the proposed AP1000 reactors into the ground through deep-well injections below the, well, boulder rock.

Well, testimony by this expert witness shows that those impurities will eventually make their way up into Florida's drinking water table, which extends through the entire State. There's a plan in there. And, you know, if the NRC doesn't think that's dangerous, well then, I challenge the NRC PRB Members to come down here, you know, and drink some tritium water in front of me. Show me how it's not dangerous to your health and safety.

I have children here, and grandchildren here, and babies, and I don't want them ingesting tritium into their bodies in any way, shape or form, no matter how low it is.

And the NRC allows these reactors to go online and to dump these impurities into our drinking water, you're going to contaminate this water for the entire state.

And that violates NRC regulations under 10c of Par 50.97 and 10c of Par 51.107 under Item 5, "Issuance of the License will not be inimical to the common defense and security or the health and safety of the public."

That certainly would violate the health and safety of the public. This individual, Mr. (Quarez)', testimony under oath on this affidavit talks in depth about these deep wells, and how flawed FPL's analysis is what is, and how flawed the NRC's analysis is of these deep wells.

And the PRB should take this into serious consideration, as there are drawings in there which explain in great detail in support of why these deep-well injections should be rejected.

And included in there on Page 9, Paragraph 39, the USGS has concluded that wastewater injection wells can fail and result in vertical migration of wastewater. Okay?

So, in this case, wastewater is going to include tritium, because that's a by-product of nuclear operations which is now, I'm sure, is very well familiar.

And with that, I'm going to end this presentation. I'll remain online if there's any questions that I can clarify.

So, I would like to put on the record before I leave that I did not hear any Licensee of the NRC announce that they were attending this meeting. So, that

shows a very disrespect for public health and safety, where the Licensees, whose licenses may be in jeopardy at this point, they don't even care to attend.

and then they - that tells me that they are overconfident that they are going to get their license, no matter what the NRC says about it. So, with that, I'll end. I'll stay on board here for any questions until this meeting ends, for clarification.

Anna Bradford: Thank you, Mr. Saporito. This is Anna Bradford speaking.

At this time, does the staff have any questions for Mr. Saporito from the PRB?

Man 1: No questions.

Anna Bradford: No? It looks like there's no questions here.

So, Mr. Saporito, thank you for taking the time to provide us with clarifying information on the Petition, and we do have the items that you emailed to Manny Comar. And before we close, does the court reporter need any additional information for the meeting transcript?

Court Reporter: I did have one question. Mr. Saporito, is your name spelled S-A-P-O-R-I-T-O?

Thomas Saporito: Yes.

Court Reporter: All right. Thank you very much.

Anna Bradford: Okay. Thank you, and with that, this meeting is concluded, and we will be terminating the phone connection. Thank you.

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