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(PRB) Conference Call

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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

ENFORCEMENT PETITION (EBOLA)

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WEDNESDAY

DECEMBER 17, 2014

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The conference call was held, Aby Mohseni,
Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS

ABY MOHSENI, Deputy Director, Division of
Policy and Rulemaking

JIM ANDERSON, Deputy Director, Division of
Preparedness and Response, Nuclear
Security and Incident Response

MERRILEE BANIC, Petition Coordinator, Nuclear
Reactor Regulation

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STEVE BARR, Senior Emergency Preparedness
Inspector, NRC Region I Office

DAVID CYLKOWSKI, Office of General Counsel

MEENA KHANNA, Branch Chief, Mechanical and
Civil Engineering Branch, Division of
Operator Reactor Licensing

MAURIN SCHEETZ, Operator Licensing Branch,
Division of Inspection and Regional
Support

JEFFREY WHITED, Petition Manager, Division of
Operator Reactor Licensing

P R O C E E D I N G S

(3:20 p.m.)

MR. WHITED: All right. So, we'll go ahead and get started. I'd like to thank everybody for attending this meeting.

Again, my name is Jeffrey Whited and I am an NRC project manager in the Division of Operator Reactor Licensing and NRR.

We are here today to allow the Petitioner, Thomas Saporito, to address the Petition Review Board regarding the 2.206 Petition dated October 16th, 2014.

I am also the petition manager for the petition. The Petition Review Board chairman is Aby Mohseni.

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

This meeting is scheduled from 3:00 p.m. to 4:00 p.m. Eastern Time. The meeting is being recorded by the NRC Operations Center and will be transcribed by a court reporter.

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

I'd like to open this meeting with

1 introductions. Again, the PRB chairman is Aby
2 Mohseni. I'd like the rest of the Petition Review
3 Board to introduce themselves.

4 As we go around the room, please be sure
5 to clearly state your name, your position and the
6 office that you work for within the NRC, for the
7 record.

8 I'll start off. Again, my name is Jeffrey
9 Whited and I'm the petition manager.

10 MR. MOHSENI: Aby Mohseni, the Chairman.
11 I am with the NRR Division of Policy and Rulemaking.

12 MS. BANIC: Lee Banic, petition
13 coordinator, NRR.

14 MR. CYLKOWSKI: David Cylkowski, attorney
15 in the Office of General Counsel for headquarters.

16 MS. KHANNA: And Meena Khanna. I'm a
17 branch chief in the Division of Operator Reactor
18 Licensing 1-2 in the Office of Nuclear Reactor
19 Regulation.

20 MR. WHITED: Are there any NRC participants
21 from headquarters on the phone?

22 MR. ANDERSON: This is Jim Anderson. I'm
23 the deputy director in NSIR, Division of Preparedness
24 and Response.

25 MR. WHITED: Is there anybody else from NRC

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1 headquarters on the line?

2 MS. SCHEETZ: Yes, Maurin Scheetz, NRR
3 Division of Inspection and Regional Support, Operator
4 Licensing Branch.

5 MR. WHITED: Are there any participants
6 from the regional office on the phone?

7 MR. BARR: Yes. This is Steve Barr. I'm
8 the senior emergency preparedness inspector for the
9 Region I Office.

10 MR. WHITED: Mr. Saporito, would you please
11 introduce yourself for the record?

12 MR. SAPORITO: Yes. My name is Thomas
13 Saporito. I'm with SaproDani Associates in Florida.
14 I'm the petitioner.

15 MR. WHITED: Is there anybody else from the
16 NRC on the line that needs to introduce themselves?

17 (Pause.)

18 MR. WHITED: Okay. It is not required for
19 members of the public to introduce themselves for this
20 call.

21 However, if there are any members of the
22 public on the phone that wish to do so at this time,
23 please state your name for the record.

24 (Pause.)

25 MR. WHITED: Hearing none, I'm going to

1 move on. I'd like to emphasize that we each need to
2 speak clearly and loudly to make sure that the court
3 reporter can accurately transcribe this meeting.

4 If you do have something that you would
5 like to say, please first state your name for the
6 record.

7 For those dialing into the meeting, please
8 remember to mute your phone to minimize any background
9 noise or distractions.

10 If you do not have a mute button, this can
11 be done by pressing the keys *6. To unmute, press the
12 *6 keys again. Thank you.

13 At this time, I'd like to share some
14 background on our process. Section 2.206 of Title 10
15 of the Code of Federal Regulations describes the
16 petition process, the primary mechanism for the public
17 to request enforcement action by the NRC in a public
18 process.

19 The process permits anyone to petition NRC
20 to take enforcement-type actions related to NRC
21 licensees or license activities.

22 Depending on the results of this
23 evaluation, the NRC can modify, suspend or revoke an
24 NRC-issued license or take any other appropriate
25 enforcement action to resolve a problem.

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1 The NRC staff guidance for the disposition
2 of 2.206 petition request is in Management Directive
3 8.11, which is publicly available.

4 The purpose of today's meeting is to give
5 the petitioner an opportunity to provide any
6 additional explanation or support for the petition
7 before the Petition Review Board's initial
8 consideration recommendation.

9 This meeting is not a hearing, nor is it
10 an opportunity for the petitioner to question or
11 examine the PRB on the merits or the issues presented
12 in the petition request. No decisions regarding the
13 merits of this petition will be made at this meeting.

14 Following the petition, the Petition
15 Review Board will conduct its internal deliberations.
16 The outcome of this internal meeting will be discussed
17 with the petitioner.

18 The Petition Review Board typically
19 consists of a chairman, usually a manager at the
20 senior executive service level at the NRC. It has a
21 petition manager and a PRB coordinator.

22 Other members of the Board are determined
23 by the NRC staff based on the content of the
24 information in the petition request. The members have
25 already introduced themselves.

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

7 I would like to summarize the scope of the
8 petition under consideration and the NRC's activities
9 to date.

10 On October 16th, 2014, Mr. Saporito
11 submitted to the NRC a petition under 2.206 regarding
12 all licensees in which Mr. Saporito requested a number
13 of actions.

14 The major ones concern licensee
15 preparedness in response to a licensee employee being
16 infected with the Ebola virus.

17 Now, allow me to discuss the NRC
18 activities to date. On October 31st, 2014, the
19 petition manager contacted Mr. Saporito to discuss the
20 10 CFR 2.206 process and to offer him an opportunity
21 to address the PRB.

22 Mr. Saporito requested to address the PRB
23 by phone prior to its internal meeting to make the
24 initial recommendation to accept or reject the
25 petition for review.

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1 As a reminder for the phone participants,
2 please identify yourselves if you make any remarks as
3 this will help us in the preparation of the meeting
4 transcript that will be made publicly available.
5 Thank you.

6 Mr. Saporito, I'll turn it over to you to
7 allow you the opportunity to provide any further
8 information you believe the PRB should consider as a
9 part of this petition.

10 You have about 40 minutes for your
11 presentation.

12 MR. SAPORITO: I don't believe I'll be
13 using 40 minutes. I'll be as brief as possible.
14 Again, for the record, my name is Thomas Saporito.
15 I'm with Saprodani Associates in Florida and I am the
16 petitioner in this matter.

17 I emailed Mr. Whited a document which I'll
18 identify for the record. It's an October 15th, 2014
19 news article by Bloomberg, which is a news agency, a
20 business news agency. And it's entitled "Ebola
21 Outbreak Boosts Odds of Mutation Helping it Spread."

22 Did the PRB members get provided this
23 document, sir?

24 MR. WHITED: Yes, Mr. Saporito. I sent it
25 out to all of the PRB members and everyone in the room

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1 with me has a copy in front of them.

2 MR. SAPORITO: Okay. Thank you. This
3 document is to be considered by the PRB (inaudible due
4 to telephonic deficiency). Before I get into
5 (inaudible due to telephonic deficiency) I want to
6 further supplement the petition on record to state
7 that although the enforcement petition addresses the
8 issue of the Ebola virus, I wish and desire and
9 request that the Review Board members consider this
10 petition a supplement to the effect that it
11 encompasses any contagious diseases like SARS and
12 various diseases that (inaudible due to telephonic
13 deficiency) Ebola.

14 So, although the petition speaks
15 specifically about Ebola, I'm expanding the scope of
16 that petition to include any and all other contagious
17 diseases that may infect members of the public in the
18 United States or have yet to be discovered and which
19 can infect people in the United States the same way.
20 And it's specifically about employees of nuclear power
21 plants, which are governed and regulated by the
22 Nuclear Regulatory Commission in these instances.

23 Okay. So, this document which is entitled
24 "Ebola Outbreak Boosts Odds of Mutation Helping it
25 Spread," I highlight several areas of interest.

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1 The first area talks about that the
2 diagnosis in a second healthcare worker in Texas, it
3 raises questions about how well researchers understand
4 how the virus spreads and whether the virus is
5 changing in a way that makes it easier to transmit.

6 And there's a quotation there by Ira
7 Longini which states, quote, "I suspect it may have
8 become more transmissible," unquote.

9 And below that is another highlighted
10 area. It says, while scientists don't fully
11 understand what the changes mean, some are concerned
12 that alterations in the virus that occur as the
13 pathogen continues to evolve, could pose new dangers.

14 And further down it says, researchers have
15 identified more than 300 new viral mutations in the
16 latest strain of Ebola. And that they are rushing to
17 investigate if this strain of the disease produces
18 higher virus levels, which could increase its
19 infectiousness.

20 A little further down it talks about the
21 greater risk. It says the risk, though, is that the
22 longer the epidemic continues, the greater the chance
23 that the virus could change in a way that makes it
24 more transmissible between humans.

25 And there's a quotation below that. It

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1 says "If the outbreak continues for a prolonged period
2 of time or it becomes endemic, it may mutate into a
3 form that is more virulent."

4 Underneath that there's a quote. "Viruses
5 don't think. They make mutations that are good for
6 them," unquote. Quote, "If it helps the virus spread
7 or replicate faster, it will be around more," unquote.

8 Another quotation under there, it says "It
9 is a numbers game. The more cases you have, the more
10 likely there are going to be mutations that could
11 change the virus in a significant way." That was
12 quoted by Dr. Sanders, a professor of biological
13 sciences at Purdue University.

14 And then later on down in that article it
15 talks about almost 9,000 people have been infected
16 with the virus in three countries with about 4500
17 deaths, according to the World Health Organization.

18 One dire scientific scenario is that the
19 virus could somehow mutate in a way that allowed it to
20 be transmitted through tiny particles that linger in
21 the air in the same way that measles is thought to
22 spread.

23 And they talk about potential transmission
24 further down in the document. Researcher Sanders from
25 Purdue University said the possibility of Ebola

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1 becoming airborne cannot be ruled out. There are a
2 lot of unknowns about Ebola.

3 Previous outbreaks have been small and
4 they have generally been to remote areas making a
5 detailed study difficult.

6 So, this document is meant to show that
7 there's a lot unknown about this Ebola virus and that
8 it can be spread airborne.

9 You know there are some individuals
10 (inaudible due to telephonic deficiency) otherwise
11 there are also those who argue that it can't be
12 transmitted airborne.

13 The concern that I'm bringing up in the
14 petition for the NRC to take action on is that if an
15 employee at a nuclear power plant becomes infected
16 with Ebola, that the nuclear power plant may lose
17 control of the nuclear power plant.

18 Am I being heard? Hello?

19 MR. WHITED: Yes, this is Jeff Whited. Mr.
20 Saporito, we have been able to hear you throughout
21 your entire discussion.

22 MR. SAPORITO: Okay. Because the last time
23 I fell off and no one told me and I just kept talking
24 for another half hour.

25 Okay. So, the point of the petition is

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1 that if there are more employees who become infected,
2 they could spread very quickly throughout the nuclear
3 power plant to a degree that the licensee would no
4 longer have control of the plant, because all the
5 employees could become subject to this infection.

6 It's very highly contagious and there
7 would be no way for the licensee to control the
8 reactor.

9 And that goes for the other diseases like
10 SARS et cetera, I believe the NRC should require
11 licensees to incorporate in the technical
12 specifications on parameters and measures and actions
13 that they intend to take to grant, number one, a
14 contagious employee coming onto the nuclear site and
15 was undetected that actions be taken to isolate that
16 employee to protect the other employees. And
17 ultimately protect the health and safety of
18 (inaudible due to telephonic deficiency) control the
19 nuclear reactor (inaudible due to telephonic
20 deficiency).

21 The NRC has broad authority to require its
22 licensees to take steps that are specified in the
23 enforcement petition (inaudible due to telephonic
24 deficiency) and also there are (inaudible due to
25 telephonic deficiency) should be required if

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1 incorporated, to advise them if they have any type of
2 contagious disease whether it be Ebola, SARS,
3 whatever.

4 If it's something that's communicable and
5 could disable a human being from doing their job in
6 controlling the nuclear reactor, then the licensee
7 needs to be aware of that (inaudible due to telephonic
8 deficiency) these written procedures (inaudible due to
9 telephonic deficiency) specifications how we're going
10 to deal with these situations as they arise, you know,
11 so far as, you know, making a protected area to move
12 the employee into so they can quarantine that employee
13 and they can bring healthcare workers in to treat that
14 individual and there has to be some kind of healthcare
15 workers to examine other employees to make sure it
16 hasn't contaminated the workplace and other employees.

17 This current disease and others are very
18 highly contagious. Airborne or not it's highly
19 contagious. So much so that governors of several
20 states have issued directives isolating people
21 returning from working Africa where this virus is an
22 epidemic and they must be isolated for three weeks,
23 you know.

24 So, this is a very serious issue. And the
25 worst case scenario that comes to my mind is what if

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1 a terrorist organization decides to spread this virus
2 at a nuclear facility?

3 You know, now they have these drones that
4 anybody could buy (inaudible due to telephonic
5 deficiency). You send that thing up airborne with the
6 virus on it and crash it into the nuclear plant,
7 somebody is going to pick that up. They don't know
8 it's contaminated. I mean, there's all kinds of
9 scenarios that come to mind here.

10 There must be some kind of procedures
11 required by the NRC say they should require the
12 licensees that operate power plants in the United
13 States to have some kind of procedures in place, how
14 they're going to deal with this situation, how they're
15 going to protect the employees and the public
16 (inaudible due to telephonic deficiency) that may lose
17 control or the ability to control the reactor to bring
18 it to a safe shutdown.

19 And that basically what the petition is.
20 I'll answer any questions if I'm able to. I'm not an
21 Ebola expert. But if you have something that needs
22 answered, I'll try my best.

23 MR. WHITED: Okay. Thank you very much,
24 Mr. Saporito. Again, this is Jeff Whited. At this
25 time, does any of the staff here at headquarters have

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1 any questions for Mr. Saporito?

2 MR. CYLKOWSKI: Actually, I do.

3 MR. WHITED: Okay.

4 MR. CYLKOWSKI: Mr. Saporito, this is David
5 Cylkowski. Your petition is filed as pertaining to
6 all licensees, but it sounds like your concern really
7 pertains to reactor licensees.

8 Is that how - is that your intent that
9 that is how the petition is construed is pertaining to
10 reactor licensees?

11 MR. SAPORITO: It's mainly focused on
12 nuclear reactor licensees. However, since the Ebola
13 patients and that type of people who get contagious
14 diseases are treated by medical facilities in and
15 around the United States, the NRC does have some
16 authority of licenses issued to the radiological
17 departments.

18 And whether or not, you know, that if the
19 hospital became fully incapacitated, whether or not
20 they could carry out their functions, the scope of
21 their licenses, I don't know.

22 I don't have the expertise to make that
23 assertion, but you might want to defer that to the
24 appropriate department within the NRC agency.

25 I know there are people who are experts in

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1 that area and they may offer a better opinion on it.

2 MR. CYLKOWSKI: Thank you.

3 MR. WHITED: All right. Does any member of
4 the NRC staff on the phone have any questions?

5 MR. BARR: This is Steve. I don't. Thank
6 you.

7 MR. ANDERSON: This is Jim Anderson. I do
8 not.

9 MR. WHITED: All right. Just to again
10 verify, has anyone else joined the line since the
11 start of Mr. Saporito's discussion that might have any
12 questions?

13 (Pause.)

14 MR. WHITED: Okay. Mr. Saporito, thank you
15 very much for taking the time to provide the NRC staff
16 with clarifying information on the petition you have
17 submitted.

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

21 THE COURT REPORTER: The only information
22 I would need is specifically about the names of the
23 board members. I wasn't quite able to get it when we
24 talked about it on the record.

25 MR. WHITED: I'm sorry. Could you state

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1 that again? I didn't hear you.

2 THE COURT REPORTER: The only information
3 I would need is just the names of the board members.
4 I wasn't able to get the names exactly when they were
5 said on the record.

6 MR. WHITED: Okay. I can email that to
7 you.

8 THE COURT REPORTER: Okay. Sounds good.

9 MR. WHITED: All right. Thank you.

10 All right. With that, this meeting is
11 concluded and we will be terminating the phone call.
12 Again, thank you very much, Mr. Saporito, and
13 everybody else who joined in on this call.

14 (Whereupon, at 3:41 o'clock p.m. the
15 conference call was concluded.)

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