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Title: 10 CFR 2.206 PRB Regarding Cooling Water
Intake Security Affecting All NRC Licensees

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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

COOLING WATER INTAKE SECURITY

AFFECTING ALL NRC LICENSEES

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THURSDAY,

MAY 19, 2016

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The conference call was held, Jane Marshall, Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS:

JANE MARSHALL, Acting Director, Division of License Renewal, Office of Nuclear Reactor Regulation (NRR), Petition Review Board (PRB) Chair

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RYAN TAYLOR, Region II, Senior Project Engineer

JOHN TORNOW, Region II, Physical Security
Inspector

ALISON RIVERA, Security Risk Analyst, Nuclear
Security and Incident Response (NSIR)

DENNIS GORDON, Reactor Security Specialist,
NSIR

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

1:00 p.m.

MR. BUCKBERG: Thanks for your patience.
Again, this is Perry Buckberg from NRC Headquarters
calling in for the 2.206 petition call.

I'll go through the agenda and some
talking points, and we'll give the Petitioner an
opportunity to address the Petition Review Board and

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those others on the line right afterward.

I'd like to thank everybody for attending this meeting. My name is Perry Buckberg again. I'm a Senior Project Manager in the Division of Nuclear Reactor Regulation.

We're here today to allow the Petitioner Thomas Saporito a chance to address the Petition Review Board regarding the 2.206 Petition dated March 6, 2016.

I am the Petition Manager for this petition. The Petition Review Board Chair is Jane Marshall.

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

This meeting was scheduled to begin at 1:00 o'clock Eastern Time. We're a little bit late getting started.

After introductory remarks, Mr. Saporito will be allowed 45 minutes to address the Review Board.

The meeting is being recorded by the NRC Op Center and will be transcribed by a court reporter. The transcript of this meeting will become a publicly

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available supplement to the Petition.

I'd like to open this meeting with introductions. Again, the PRB Chair is Jane Marshall. I'd like the rest of the Petition Review Board to introduce themselves, first at Headquarters and then on the phone.

Please be sure to clearly state your name, your position and the office that you work with within the NRC for the record.

Again, my name is Perry Buckberg and I'm an NRC Senior Project Manager in the Division of Nuclear Reactor Regulation and the PRB Manager.

Jane, you were more or less introduced.

CHAIR MARSHALL: Jane Marshall. I'm the Acting Director for the Division of License Renewal in the Office of Nuclear Reactor Regulation.

MS. LEWMAN: I'm Shelby Lewman. I'm an attorney in the Office of General Counsel.

MR. LEE: I'm Pete Lee, Program Manager, Nuclear Security and Incident Response.

MS. BANIC: Lee Banic, Petition Coordinator.

MS. BEASLEY: I'm Ben Beasley. I'm a Branch Chief in the Division of Operating Reactor

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Licensing.

MR. BUCKBERG: Hold for just a second, please.

Will the PRB members on the phone please introduce yourselves?

MR. MORRISSEY: This is Thomas Morrissey in Region II, Division of Reactor Projects, St. Lucie, Senior Resident Inspector.

MR. TAYLOR: This is Ryan Taylor, Region II. Senior Project Engineer.

MS. SUGGS: This is LaDonna Suggs, Branch Chief for Turkey Point and St. Lucie.

MR. WILSON: This is Adam Wilson, Project Engineer, Division of Reactor Projects, Region II.

MS. PRESSLEY: This is Lundy Pressley, Division of Reactor Projects Branch III, Senior Project Engineer.

MR. BUCKBERG: We're going to skip from the PRB members to the NRC staff on the phone. Please continue. Any other NRC staff on the phone?

(No audible response.)

MR. BUCKBERG: Okay.

Are there any representatives for the licensee on the phone today?

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MR. HAMRICK: This is Steve Hamrick,
Counsel for Florida Power & Light.

MR. BUCKBERG: Anybody else from FPL
Turkey Point or St. Lucie on the phone?

(No audible response.)

MR. BUCKBERG: Mr. Saporito, would you
please introduce yourself for the record?

MR. SAPORITO: Yes. My name is Thomas
Saporito. I represent myself and Sapro-dani
Associates, the Petitioners.

MR. BUCKBERG: Thank you.

Members of the public are not required 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.

(No audible response.)

MR. BUCKBERG: 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.

Is the court reporter on the line?

COURT REPORTER: Yes, I'm here.

MR. BUCKBERG: Thanks very much.

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If you do have something that you'd 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 keys *6 to mute, and then again *6 to unmute. Thank you.

At this time, I'll turn it over to the PRB Chair Jane Marshall.

CHAIR MARSHALL: Welcome to this meeting regarding the 2.206 petition submitted by Mr. Thomas Saporito.

I'd like to first share some background on our process.

Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process. (telephonic interference) This is the primary mechanism for the public to request enforcement action by the NRC in a public process. This process permits anyone to petition the NRC to take enforcement-type action related to NRC licensees or licensed activities.

Depending on the results of its evaluation, NRC could modify, suspend or revoke an

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NRC-issued license or take any other appropriate enforcement action to resolve the problem. The NRC staff's guidance for the disposition of 2.206 petition requests is in Management Directive 8.11 which is publicly available.

The purpose of today's meeting is to give the Petitioner an opportunity to provide any additional explanation or support for the petition before the Petition Review Board's initial 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 or the issues presented in the petition request. No decisions regarding the merits of this petition will be made at this meeting.

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

A Petition Review Board typically consists of a chairman, usually a manager at the Senior Executive Service level at the NRC. It has a Petition Manager and a PRB Coordinator. Other members of the Board are determined by the NRC staff

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based on the content of the information in the petition request. The members have already introduced themselves.

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

I would like to summarize the scope of the petition under consideration and the NRC activities to date.

On March 6, 2016, Mr. Saporito submitted a petition to the NRC under 2.206 in which he requested a number of actions. The concern reflected the petition for unauthorized access to the protected area via the cooling water intake structure piping and/or facility.

On March 30, 2016, the Petition Manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the PRB. You requested to address the PRB by phone prior to its internal meetings making an initial recommendation to accept or reject the petition for review.

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

Thank you.

Mr. Saporito, I will turn it over to you to allow the opportunity to provide any information you believe the PRB should consider as part of this petition.

You have 45 minutes for your presentation.

MR. SAPORITO: Thank you, Mr. Chairman.

First of all, this discussion will be primarily centered around licensed operations at the Florida Power Light Company's St. Lucie Nuclear Power Plant. However, the petition as clearly entitled will encompass all NRC licensees who have similarly designed nuclear power plants.

I refer the PRB to Attachment 1 of our five attachments to this petition, and recently I emailed the Project Manager an additional four attachments. The petition originally came with one attachment.

The first attachment deals with a news

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story -- which I'm not going to read the whole thing here -- but the petition clearly states that on or about July 12, 2015, an individual was scuba diving near the St. Lucie nuclear plant and was inadvertently sucked into the intake -- one of the intake pipes which supply cooling water for the two nuclear reactors at the St. Lucie nuclear site.

And he was -- he was sucked into these pipes which -- which have a pull of 500,000 gallons per minute. I presume that's per pipe. This individual traveled inside this pipe, not knowing the outcome of what was going to happen to him, eventually entered an area inside the intake area where the water goes into this intake canal that circles around the facility.

The licensee was not aware that this individual had penetrated that boundary. And he began yelling -- the scuba diver began yelling help, help, and then one of the licensee's employees apparently asked how did you get in here. And the diver responded he came in through the pipe. So there's -- there's an issue right there where it's -- there is egress into this area of the facility which is not monitored by the licensee. Otherwise, this

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individual would not have gained that type of access.

And it's not the first incident. There was another incident. This individual named William Lamm -- L-A-M-M -- back in 1989, again he was sucked into FPL's intake structures. This was the second incident that this has occurred. The licensee was well aware that this is a possibility and a defect in their security plan way back as far as 1989.

FPL is quoted by varying media sources as stating that there's a buoy really it sits on top of the water to the east of the plant over -- over in this concrete structure where these intake pipes are located in the -- in the ocean and that there's some kind of nomenclature there warning people to stay back 100 feet. The diver denies that that nomenclature was there. And they also contend that there's a protective cap on these pipes that are underneath the ocean offshore of the plant -- to the east of the plant. However, the diver was perfectly able to enter these pipes despite this so-called protective cap.

Now, before I get into further details, I want to put the Review Board on notice if they already aren't on notice that the United States was

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attacked by a terrorist organization on 9/11 which resulted in the destruction of a couple buildings -- tower buildings in the New York City area. Since that happened, it's my understanding I believe that the NRC required all of its licensees to ascertain what would happen if there was an inside person cooperating with outside terrorists -- one or more terrorists -- to assist those terrorists to attack a nuclear plant. How would you defend it?

And I'm going to explain here that although that's a good scenario for the NRC to ask its licensees to perform, here you don't have to have anyone on the inside. It's -- this access is done without any help with no one being on the inside.

First of all, the FPL -- no, let me just say that the Director, Mr. Comey of the -- of the United States Federal Bureau of Investigation -- the FBI -- recently made known publicly that the FBI has at least 1,000 open investigations related to ISIS and -- and -- and terrorist threats against the United States of America. These are threats on our homeland, not overseas, or not in the Mideast. These are ones that the FBI are looking at here -- right here in the United States across all 50 states.

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And Mr. Comey's also testified it's my understanding to the United States Congress that -- you know -- the FBI does not have the means to do background investigations on people when they're entering this country under our visa programs. And recent statements by the Obama Administration -- you know -- this -- this President wants to bring in tens of thousands of people in the United States regardless of whether they can be properly vetted or not.

So there's a big issue here. The United States Nuclear Regulatory Commission needs to understand that these nuclear plants that they're responsible for in -- in regulating the regulations under the requirements of 10 CFR Part 50, that this threat is real and it can happen at a moment's notice.

Now the access to the nuclear plants is governed by and controlled by the NRC regulations under 10 CFR 37.43. And part of that regulation states that the purpose of the security plan is to establish the licensee's overall security strategy to ensure an integrated and effective functioning security program required by the Subpart.

So the NRC has the authority and the requirements for Florida Power Light Company and its

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other licensees to have a security plan that's updated and functional and addresses the current security threats posed by ISIS and other terrorist organizations against the United States of America.

At this time, I'm going to refer to Attachment 1 which is an aerial picture of the St. Lucie nuclear facility. I have placed three circles on there enumerated 1, 2 and 3.

The first circle shows -- is an aerial view of three concrete facilities underneath the ocean's surface. That's where these intake piping structures are located, and this is where that scuba diver entered the facility in July of last year. And circle number 2 shows where that diver is presumably believed to have surfaced after his journey underwater through the intake pipe that we can see from circle 1 to circle 2 has to go underneath the beach property into that -- that manmade canal by FP&L at circle 2. And then the canal goes westward and then it bends to the north and we see circle 3 which encompasses St. Lucie nuclear reactors 1 and 2. And just to the west of that circle is your intake structure where you have your screens and what not by filtering for the water before it enters that cooling

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process.

So this is a big -- this is a big issue as far as I'm concerned where -- where one can gain access to this nuclear facility through this underground piping that can take piping and its structure. Now -- you know -- we can continue on here and we can probably get into that next element here.

Attachment 3 is entitled for the record, Eastward View Picture from Above St. Lucie Nuclear Plant. So this is an eastward view. If you were standing on Ocean Drive which is how that's labeled there, and looking east, this is what you would see. You would see this little tiny fence on this road, and you would see that other little bridge and on the other side of that where that diver came up.

The next attachment for the record, it's Attachment 4, is a westward view picture from above St. Lucie nuclear plant. So this is on that same road which is South Ocean Drive, but now you're on the other side of the road and you're looking due west. And you can see there's no fence on that. It's just a little berm -- concrete berm there. And that's the other side of the road so the PRB can get

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an understanding of the discussion I'm about to now.

And the next attachment -- the last attachment -- Attachment 5 is the westward view picture from above showing a fence at the St. Lucie nuclear plant. And you can see this in the prior picture, but this is more pronounced, as I focus on this fence. Now the fence as you can see terminates about half way up that picture and there is no more fence.

So if we go back to Attachment 1 which we have the aerial view of the entire facility, you can see that the plant is very accessible to a terrorist attack; one, through these underground piping structures -- the intake pipes which have a draw of 500,000 gallons per minute, and there's a ground assault not even going near the water. He can go past that little fence we saw and he can come through over into the canal system at any one -- at any point from the intake where the ocean is -- where circle 2 is -- all the way around all the way up into the intake structure. It's all accessible at more than one point -- numerous points.

Now, this guy who entered the facility in July of this -- of last year was a scuba diver so he

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had scuba equipment. But I maintain that my understanding of seal -- seal team training in the United States military seals -- Navy seals -- they don't even need scuba equipment. They could have gotten through there without any scuba equipment and swam the entire length underwater undetected and gained access all the way up -- up to where the intake screens are.

So the terrorists could come in there with explosives such as C4 or whatever -- whatever have you -- and take out -- they -- they could swim the entire length of this undetected underwater and blow up the intake structure which would take down both of the nuclear -- take down their cooling capabilities. And the plant's reactors would melt down like Fukushima and like those plants at Chernobyl over there in Russia, like Three-Mile Island. Because there would be no way to provide enough cooling water to keep those reactors from melting down -- the core of the reactors from melting down. That's one.

Like I said before, they could come across through a -- through land, gain access the same way and have -- have explosives and take out

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those intake structures. They -- they could come on land and throw explosives into that canal from anywhere from point two to point three and you would disrupt the flow of coolant water to those intake structures of the St. Lucie nuclear plant. And again, you would cause -- the result would be core meltdowns in unit 1 and 2.

They could also not even attempt to gain access to this canal. They could go in the ocean several miles out, swim underwater to this circle number 1 on Attachment 2, and they could put explosives in those pipes and they would be sucked in by 500,000 gallons a minute. And they could either blow them up right there at the -- where circle 1 is and take out those intake structures altogether which again would disrupt the flow and cooling water to the reactors to cause a meltdown. Or the explosives could be timed where they -- where they would enter circle number 2 and it'd blow up which again would take out the cooling water that leads to the reactors and then cause reactor cores to melt down. Or they -- they could time them and -- and throw them anywhere along there and take out that -- that cooling water -- that manmade canal by FPL and take out the means

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to cool the reactor cores.

Here's -- I could go on and on. There's so many scenarios that -- that could be ascertained here. And yet, these -- these means and -- and to have a terrorist blow up or destroy or some way interfere with the cooling water flow to these reactors does not appear to be properly addressed in the Florida Power Light's security plan. Otherwise, this diver and the one before him would not have been able to gain access through these intake structures.

If you look on Attachment 2 now again, you go away from circle 1 to circle 2 and circle 3, if you look just to the left of circle three, there's a little -- there's a little manmade dam right there. And on the other side of that it's called Mud Creek. It's part of the -- the river system over there. Well, what if they blew up that -- that little dam there? The water differ -- differential again would cause a decrease in the water inventory in FPL's manmade -- manmade canal and would not be sufficient anymore to provide enough cooling for those two reactors and again of course it'd meltdown.

Or what if -- you know -- one of these terrorist crazy people would put C4 in a motorboat -

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- a powerboat -- just a little 14-foot craft. And they come on a suicide mission to -- through Mud Creek and right at that little manmade dam -- whatever you want to call it -- just to the left of circle 3 on Attachment 2 -- and blew it up? Again, you would have a loss of cooling inventory to those two reactors.

And these scenarios go on and on and on. FPL should require on a confirmatory order -- require Florida Power & Light to address these issues, correct any deficiencies that I've addressed here and update their security plan that under NRC regulations they're required to do these things.

Well, as it stands, this plant and all plants that have similar designs where their intake cooling water can be disrupted by a terrorist attack could jeopardize public health and safety and jeopardize the environment. The United States Congress mandated through an Act of Congress -- they created the Nuclear Regulatory Commission back in 1974 to replace the Atomic Energy Commission. And NRC's mandate by Congress was to protect public health and safety and to protect the environment with respect to licensed operations at commercial nuclear power

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plants in the United States.

Now here you have people that get sucked into these pipes. The two fellows could have got killed or severely injured. Fortunately, they didn't. But on the other hand, you have over the last decade 4,100 sea turtles have been sucked through there and have been harmed. Many, many of these sea turtles have been harmed. You have uncounted numbers of jellyfish that get sucked through there every year. And they get destroyed and fish that get destroyed.

So -- you know -- as far as protecting the environment, these creatures are part of the environment, and they should be protected somehow. And certainly, human beings should be protected from gaining access through these intake structures that are located in circle 1 out there underneath the ocean surface.

Now -- you know -- whether or not the little yellow buoy -- there's a yellow buoy FPL contends warns people to stay back 100 feet -- you know -- terrorists don't care about no silly buoy with a sign on it. Terrorists are there to do one thing and it's to attack that nuclear plant. Well, the only thing that's buoy's going to do for a

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terrorist is to help and assist that terrorist locate this intake structure underneath the ocean. Where is that again? Oh, you just go up to that buoy. Yes, and you follow the chain down there and it'll take you right to it. That's pretty -- that's -- you know -- maybe we should take that buoy out of there.

And then, the facility itself -- you know -- FPL contends that there's a protective cap. There may well be a protective cap. What's it protecting, you know? It's not protecting humans from getting sucked in there, not protecting wildlife like sea turtles from getting sucked in there or jellyfish from getting sucked in there. So -- you know -- common sense would say there needs to be some kind of screen or some kind of ancillary facility built around the facility that's there and have some type of screen mechanism to prevent humans and sea turtles and terrorists from entering.

And the NRC should also require the licensee to install some type of monitoring -- visual monitoring -- underwater cameras that the control room operators and the security force can monitor 7/24 around the clock to see if anybody is approaching those intake cooling structures that I've identified

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on Attachment 2 under circle 1.

The NRC should require the licensee to install some kind of infrared motion detecting systems in and around that facility identified in circle 1 on Attachment 2.

And the NRC should require the licensee to enhance its security staff training to visually patrol the entirety of that intake manmade cooling structure from point circle 2 to circle 3 on Attachment 2 to ensure to the best of their ability that people aren't -- terrorists aren't swimming in there to plant explosives. And again, underwater cameras could assist in that area also.

But as it stands, it seems to me that this plant and other similarly designed plants in the United States are very susceptible to a terrorist attack. These people -- this ISIS group -- Islamic State -- these radical -- radicalized Muslims are crazy people. They want not only to kill Americans, they -- they want to take over the world.

They go attack people in Paris. They're doing nothing more but sitting outside of a restaurant. They're going to movie theaters. They kill those people. They're nuts. They have no

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qualms about killing themselves as long as they take out many people with them. They think somehow they're going to get to heaven by doing that. They're going to be closer to Allah who in their mind is God, or their version of God as I understand it. I'm not an expert on the Muslim religion by any means. But you don't have to be an expert to realize these people are crazy. We just had an incident out there in California. They went to that facility and killed all those people.

And -- and here again, the FBI does not have control of the situation. Mr. Comey admitted they have all these investigations going on, you know? And they don't have the means to do background testing and vetting of these people. And we have an Administration run by a current President who wants to bring 10,000 of these people from Syria where the -- part of this problem is in the United States.

So it's the NRC's responsibility to protect public health and safety and the environment. So it's the NRC that needs to start thinking outside of the box -- the box being 10 CFR Part 50. NRC needs to become an agency that's no longer passive and -- passive and then reactive. The NRC needs to

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become an agency that's reactive and aggressive in enforcing its regulations. You have to think and act differently because we live in a different world now. It's not something you can say well -- you know -- we'll wait until the licensee violates one of our regulations and requirements. Then we'll take enforcement action.

I think the -- in my view anyway as a citizen of this country and I have children and grandchildren who I look after and who I am concerned for, I think the NRC needs to be proactive and aggressive and look beyond the regulations and say what did you do here, what are going to do if this happens, what happens if this particular scenarios?

NRC has many experts available to them on the security-related issues. And I think we -- I think the Agency needs to step up the pace here. There is no more time. The next attack's coming. Comey so much as told Congress that.

And throughout the Presidential debate, we heard all the security issues that are coming our way. One of the -- one of the contenders, Mr. Graham -- Senator Graham -- you know -- he was most adamant. He said they're coming, meaning the terrorists are

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coming. And he sits on the Senate Intelligence Committee. So he knows. He's got knowledge that we don't have.

So a nuclear power plant is a prime target. You can -- you can disrupt it in many ways. And this is only one. I could think of hundreds of ways you can take out a nuclear power plant where you could cause severe destruction and a significant release of nuclear particulates into the environment which would harm and kill and hurt and otherwise damage the environment, take out tens of thousands of people -- maybe hundreds or even millions of people. It depends on which way the air's blowing and how significant the damage was to the reactor or just the spent fuel facility at a nuclear facility.

So on that note, I'm going to stop talking and then I'll take any -- attempt to answer any questions that you all have.

CHAIR MARSHALL: Okay. Thank you. This is Jane Marshall, the PRB Chair.

At this time, does the staff here at Headquarters have any questions for Mr. Saporito?

(No audible response.)

CHAIR MARSHALL: No?

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What about NRC staff on the phone?

(No audible response.)

CHAIR MARSHALL: Okay. Hearing none, does the licensee have any questions?

MR. HAMRICK: No, thank you.

CHAIR MARSHALL: If there are any members of the public on the phone, before I conclude the meeting, members of the public may provide comments regarding the petition and ask questions about the 2.206 petition process.

However, as stated in the opening, the purpose of this meeting is not to provide an opportunity for the Petitioner or the public to question or examine the PRB regarding the merits of this petition request.

Does any member of the public have any questions?

(No audible response.)

CHAIR MARSHALL: Mr. Saporito, thank you for taking time to provide the NRC staff with clarifying information on the petition that you've submitted.

Before we close, does the Court Reporter need any additional information for the meeting

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transcript?

COURT REPORTER: Hi. I just need the spellings of some of the names of the people who introduced themselves.

COURT REPORTER: Hi, this is the court reporter.

CHAIR MARSHALL: Okay. You are on the phone?

COURT REPORTER: Yes. I was muted. Sorry.

CHAIR MARSHALL: Oh, okay. No problem. Do you have any questions for the transcript?

COURT REPORTER: I guess the names of some of the staff who are there.

MR. BUCKBERG: This is Perry Buckberg. You can reach me at 301-415-1383.

COURT REPORTER: Wait, wait. Say it again -- the number.

MR. BUCKBERG: 301-415-1383.

COURT REPORTER: I'm sorry. What were the last four?

MR. BUCKBERG: 1383.

COURT REPORTER: 1383. Okay. I'll do that.

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MR. BUCKBERG: Thank you.

CHAIR MARSHALL: Okay. With that, this meeting is concluded. And we will be terminating the phone connection.

Thank you.

(Whereupon, at 1:39 p.m., the above-entitled matter was concluded.)

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