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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 ACTION AGAINST PILGRIM NUCLEAR POWER

STATION (LTR-14-0535)

+ + + + +

TUESDAY

JUNE 9, 2015

+ + + + +

The conference call was held, Mirela Gavrilas, Chairperson of the Petition Review Board, presiding.

PETITIONER: MARY LAMPERT, Pilgrim Watch

WILLIAM MAURER, Cape Downwinders

DIANE TURCO, Cape Downwinders

PETITION REVIEW BOARD MEMBERS

MIRELA GAVRILAS, Deputy Director

Office of Nuclear Reactor Regulation,

Division of Policy and Rulemaking

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petition, Office of Nuclear Reactor
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Nuclear Security Oversight Branch

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P R O C E E D I N G S

11:02 a.m.

MR. GUZMAN: So, I'd like to go ahead and get started. Good morning to all. Thank you all for supporting this teleconference call.

My name is Rich Guzman. Project Manager in the Office of Nuclear Reactor Regulation. I'd like to thank everyone for attending the meeting.

The purpose of today's teleconference is to allow the Petitioners, Mary Lampert, William Maurer and Diane Turco to address the Petition Review Board in light of the Petition Review Board's initial recommendation regarding the 2.206 Petition dated September 16, 2014, concerning Pilgrim's onsite land and water-based security.

I have recently assumed the role as Petition Manager for this Petition from Ms. Nadiyah Morgan. And the Petition Review Board Chairman is Mirela Gavrilas.

This meeting is scheduled from 11:00 a.m. to 12:00 p.m. eastern time. And 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 and will also be made publically available

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1 in ADAMS.

2 I'd like to go ahead and get started with
3 introductions. And as we go around the room and the
4 bridge line, please be sure to clearly state your name,
5 your position and your office or organization for the
6 record.

7 Again, it's Rich Guzman. I'm a Project
8 Manager in the Office of Nuclear Reactor Regulation or
9 NRR.

10 CHAIR GAVRILAS: Mirela Gavrilas, Deputy
11 Director, Division of Policy and Rulemaking, NRR.

12 MS. BANIC: Merrilee Banic, Petition
13 Coordinator, NRR.

14 MR. GUZMAN: And we've completed
15 introductions here at NRC Headquarters. At this time
16 are there any NRC Headquarter participants who have
17 dialed in on the phone?

18 MS. MONTEITH: This is Emily MONTEITH, NRC
19 Office of General Counsel.

20 MR. SULLIVAN: This is Frederick Sullivan,
21 Security Specialist with the Office of Nuclear Security
22 and Incident Response.

23 MR. GUZMAN: Any additional NRC
24 Headquarter participants?

25 (No response)

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1 MR. GUZMAN: All right, hearing none, are
2 there any NRC participants from the Regional Office on
3 the phone?

4 (No response)

5 MR. GUZMAN: Okay. And are there any
6 representatives on the line for Entergy, the licensee
7 for Pilgrim?

8 (No response)

9 MR. GUZMAN: Okay. Hearing none, for the
10 record, would the Petitioners please introduce
11 yourselves?

12 MS. LAMPERT: Yes. Mary Lampert, Pilgrim
13 Watch, Director.

14 MS. TURCO: Diane Turco --

15 MR. MAURER: William Maurer, Cape
16 Downwinders, Falmouth, Massachusetts.

17 MR. TURCO: And Diane Turco, Cape
18 Downwinders, Harwich, Massachusetts.

19 MR. GUZMAN: And it is not required for
20 members of the public to introduce themselves for this
21 call. However, if there are any members of the public
22 on the phone that wish to do so at this time, please state
23 your name for the record.

24 (No response)

25 MR. GUZMAN: Okay. And for our Court

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1 Reporter, can you also please state your name?

2 COURT REPORTER: This is Sam Wojack. I'm
3 the Court Reporter.

4 MR. GUZMAN: Okay. Thanks Sam. I'd like
5 to emphasize that we each need to speak loudly and
6 clearly to ensure that the Court Reporter can accurately
7 transcribe this meeting.

8 And also, if you do have something that you
9 would like to say, please first state your name for the
10 record.

11 For those dialing into the teleconference,
12 please remember to mute your phones to minimize any
13 background noise or distractions. If you don't have a
14 mute button, this can be done by pressing the keys star
15 six and then to unmute, press the star six keys again.

16 Thank you. And at this time I'll turn it
17 over to Mirela Gavrilas, the PRB Chairman.

18 CHAIR GAVRILAS: Good morning. Welcome
19 to this meeting on the 2.206 Petition submitted by Cape
20 Downwinders and Pilgrim Watch.

21 Let me start by sharing some background on
22 our process. Section 2.206 of Title 10 of the Code of
23 Federal Regulations describes the Petition process.
24 The 2.206 process is the Agency's mechanism for members
25 of the public to request enforcement type action related

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1 to NRC licensees or license activities.

2 Depending on the results of this
3 evaluation, NRC could modify, suspend or revoke an NRC
4 issued license. Or take other appropriate enforcement
5 actions to resolve a problem.

6 The NRC staff guidance for addressing 2.206
7 Petition requests is in Management Directive 8.11,
8 which is publically available.

9 The purpose of today's meeting is to give
10 the Petitioner and opportunity to address the PRB with
11 additional explanation and support for the Petition in
12 light of the PRB's initial recommendation to reject the
13 Petition for Review. Which was communicated to the
14 Petitioner on May 19, 2015.

15 This meeting is not a hearing. Nor is it
16 an opportunity for the Petitioner to question or examine
17 the PRB on the merits of the issues presented in the
18 Petition Request.

19 No decision regarding the merits of this
20 Petition will be made during this teleconference.
21 Following this teleconference, the PRB will continue
22 its internal deliberations. The outcome of the
23 internal deliberations will be shared with the
24 Petitioner.

25 The PRB typically consists of a Chairman,

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1 usually a manager at the Senior Executive Service Level
2 at the NRC as well as the Petition Manager and the PRB
3 Coordinator. Other members of the Board are determined
4 by the staff based on the content and information in the
5 Petition Request. We also obtain advice from our
6 Office of General Counsel.

7 During today's meeting, the NRC staff may
8 ask clarifying questions in order to better understand
9 the Petitioner's presentation. After this discussion,
10 the PRB will consider the need to modify any of its
11 recommendations.

12 The final recommendations will be
13 documented in an acknowledgment letter. I would like
14 to summarize the scope of the Petition under
15 consideration and the NRC activities to date.

16 On September 16, 2014, Cape Downwinders and
17 Pilgrim Watch submitted a Petition under 2.206 to the
18 NRC regarding Pilgrim's onside land and water-based
19 security.

20 In the Petition Request, the Petitioners
21 requested that the NRC take appropriate enforcement
22 related action to the renewed operating license of
23 Pilgrim Nuclear Power Station to ensure that Pilgrim's
24 land and water-based security is upgraded so that
25 checkpoints are manned at all times. And that

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1 surveillance of the owner controlled area ensured
2 intruders will be detected and prevented from entering.

3 The Petitioners stated that the basis for
4 their request is due to a reported of 16 trespassing
5 events on Pilgrim's owner controlled property from July
6 2002 through September 2014.

7 In terms of the Petition review activities
8 to date, a teleconference was conducted on February 25,
9 2015 in which the Petitioners addressed the PRB with
10 additional explanation and support for their Petition.

11 On May 19, 2015, the Petitioners were
12 informed of the PRB's initial recommendation to reject
13 the Petition for review in that it did not provide
14 sufficient facts to support the Petition.

15 And that the issues being raised by the
16 Petitioners have already been subject to NRC staff
17 review for which the resolution has been achieved and
18 issues have been resolved.

19 On May 20 and May 22, 2015, the Petitioners
20 requested a teleconference with the PRB to comment on
21 the PRB's initial recommendation.

22 As a reminder, for the phone participants,
23 please identify yourself if you make any remarks, as
24 this will help us in the preparation of the meeting
25 transcript. And that will be made publically

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1 available.

2 Since this is a public meeting, I would like
3 to remind all participants to refrain from discussing
4 any sensitive or proprietary information during today's
5 meeting.

6 I now turn it over to the Petitioners to
7 allow them to provide any additional explanation or
8 support that they believe the PRB should consider as
9 part of this Petition. Please go ahead.

10 MS. LAMPERT: Yes. This is Mary Lampert,
11 Pilgrim Watch. The importance of the Petition is
12 underscored by the report by the University of Texas
13 done under contract with the Pentagon, Protecting U.S.
14 Nuclear Facilities from Terrorist Attack: Reassessing
15 the Current "Design Basis Threat" Approach.

16 In that report, they concluded that none of
17 the commercial nuclear power reactors in the United
18 States is protected against an airplane attack, a
19 maximum credible terrorist attack, such as one that
20 occurred in September 11.

21 Nor, against airplane attacks. And this
22 was -- we have testimony by Massachusetts Senator Dan
23 Wolf, who also owns Cape Air, testifying on many
24 occasions that he could put one of his very small planes
25 into and through the roof of the spent fuel pool at

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1 Pilgrim Reactors.

2 Nor the report from Texas says is there any
3 protection against readily available weapons such as
4 rocket propelled grenades, 50 caliber sniper rifles.
5 They cite Pilgrim as one of the seven most vulnerable
6 water-based attacks reactors.

7 And we will add what is unique, and I think
8 it's important to underscore unique, because as we
9 pointed out in the Petition, NRC wrongly applies that
10 it's acceptable for licensees to drop manned check
11 points, security guard stations around the periphery of
12 the property and allow outsiders to wander around the
13 property of a nuclear plant.

14 Pilgrim is an especially symbolic target
15 because it is located in America's hometown. And the
16 damage from a successful attack would be substantial,
17 impacting Boston, Harvard, MIT, et cetera, and
18 Providence.

19 So, you get a double header there. And
20 it's unique as the UT study points out in being
21 especially vulnerable to a water attack.

22 Since we brought the Petitioner, Entergy
23 has put up some more signs, no trespassing along Rocky
24 Hill Road. Signs are not going to deter a serious bad
25 guy if you will.

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1 What we understand, we brought forward
2 clear information, rationale, one a series of tables
3 prepared by Dr. Gordon Thompson. Many for the
4 Massachusetts Attorney General.

5 And we also brought forward comments by Dr.
6 Edwin Lyman of the Union of Concerned Scientists, saying
7 the importance of visible security in the owner
8 controlled area is -- it shows an adversary that this
9 is not going to be an easy place to attack. And they
10 would be wiser to go elsewhere.

11 Now, one is disturbing, and I have been a
12 Petitioner on a number of 2.206 Petitions, is the fact
13 that only what, one in 36 had been granted any --
14 Petitioners granted any satisfaction over what, 30 some
15 odd years? That was determined in a Petition a while
16 ago.

17 And, I can understand that when you write
18 your decision, typically in 2.206 decisions, it is
19 general. Filled with generalities. No specifics.

20 No response at all giving any indication of
21 actually why the Petitions' rationales were not
22 accepted by the Petition Review Board. A whole pile of
23 meaningless generalities.

24 And we hope that is not going to be the case
25 here. However, judging by the NRC's track record, we

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1 expect that in fact will occur. And it will be
2 underscored by the fact of safeguards.

3 Or we cannot reply to your showing that
4 weapons are readily available that could cause serious
5 damage. And the closer one is to the protected area,
6 the greater the damage and likelihood that you can't
7 miss.

8 However, I had a conversation this morning
9 with our Congressman, Congressman Keating's Office.
10 Keating represents the area that has the Pilgrim Nuclear
11 Power Plant.

12 He is a member of Homeland Security. I
13 think a possibility, and his office was open to this,
14 that if in fact you do not feel that the argument that
15 there are weapons readily available that could cause
16 damage and that they could be more successful by
17 allowing their entry onto the owner controlled area,
18 then we'd like you to discuss it with him.

19 And so then we would know if Keating says,
20 you know, they denied your Petition and then it would
21 seem valid to me. Then there would be some level of
22 trust as opposed to the typical NRC hiding behind
23 safeguards. So that is a possible go around if you
24 will.

25 And the second point I would underscore,

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1 which had not been brought forward in our previous
2 petition, is the -- as strongly with rationale, are the
3 weakness of security from the border.

4 We have the UT study confirming that
5 Pilgrim is one of the most vulnerable from attack from
6 the water. And there are things that could be done to
7 beef up that security.

8 For example, high performance swimmer
9 detection sonar systems, enhanced capability intrusion
10 detection radar systems. The radar by the way that they
11 had on the shore never moved. And so that was a good
12 indicator it wasn't working.

13 Command control communications and display
14 systems. Long range acoustic beams. Water borne sea
15 fence as used by the Department of Defense to protect
16 anchored ships and nuclear subs, for example in New
17 London and also by the City of Baltimore in their harbor.

18 So there are things that can be done other
19 then what they have now, which is essentially useless.
20 I have a couple of boats and I go out there. And I can
21 see people anchored, fishing even inside the buoys.

22 Or when asked, some other boaters out
23 there, gee, are these the buoys that are supposed to
24 indicate the no entrance zone? And I asked four boats.
25 And they had no clue. They said no, I think they're in

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1 there. They were pointing actually to buoys on lobster
2 pots.

3 And so that is not acceptable. This is a
4 nuclear reactor in America's hometown. And the damage
5 that could result is obviously significant. And I'll
6 turn it over to other Petitioners.

7 CHAIR GAVRILAS: Thank you.

8 MR. GUZMAN: This is Rich Guzman. Thank
9 you, Mary, for that explanation.

10 I did want to ask a question. You
11 referenced the University of Texas report.

12 MS. LAMPERT: Um-hum.

13 MR. GUZMAN: Is that something that has
14 been previously submitted or will you be submitting it
15 as part of this Petition?

16 MS. LAMPERT: I will submit it if that is
17 the request. It was not in the initial, as I recollect,
18 the initial Petition. And so this would be a new piece
19 of information.

20 It's called -- do you want the title again?
21 Or do you want me to just email you the link to that
22 report and the particulars where they point out that
23 none of the nuclear power plants in the United States
24 are protected against maximum credible terrorist
25 attacks.

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1 Nor against airplane attacks. Nor against
2 readily available weapons such as 50 caliber sniper
3 rifles, rocket propelled grenades.

4 Pilgrim --

5 CHAIR GAVRILAS: Ms. Lampert?

6 MS. LAMPERT: Um-hum?

7 CHAIR GAVRILAS: This is Mirela. I think
8 we know what the report you're referring to. But we'd
9 really appreciate the link from you.

10 So if you can email it to us that would be
11 great.

12 MS. LAMPERT: And would you also like an
13 Affidavit from Senator Wolf?

14 MR. GUZMAN: I mean, and that's up to you,
15 Mary.

16 MS. LAMPERT: Well, you know, I'm not going
17 to bother him for an Affidavit if it's something that
18 would not strengthen or something that the Board would
19 like to consider.

20 CHAIR GAVRILAS: I don't think we can tell
21 you what we would feel strengthened the position --

22 MR. LAMPERT: So, mostly it's if you would
23 like it or not. Would you like it or not?

24 CHAIR GAVRILAS: Anything that you feel
25 would support and strengthen your position, we

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1 definitely would appreciate.

2 MS. LAMPERT: Oh, well listen, thank you.
3 Then we'll get it.

4 MR. GUZMAN: Mary, do you actually have the
5 title of that report? I know you mentioned that you --

6 MS. LAMPERT: Yes. I read it to you, I
7 thought.

8 MR. GUZMAN: Okay. I didn't know if you --
9 if that was actually a title or you were --

10 MS. LAMPERT: No, that's the title.

11 MR. GUZMAN: Okay. Yes, then in that case,
12 we will -- I just want to make sure that we have an
13 opportunity and it's on the record that, you know, we
14 have got down the title.

15 MS. LAMPERT: And I appreciate it. I
16 mumble sometimes. So, if you would like me to repeat
17 it slowly, I would be more than happy to.

18 MR. GUZMAN: No need. We have this as the
19 reporter's line, so we will have it on the transcript
20 as well.

21 MS. LAMPERT: Okay. Thanks a lot Rich.

22 And again, I spoke this morning to
23 Congressman Keating's aide, Michael Jackman,
24 J-A-C-K-M-A-N, about the proposal for the PRB's
25 consideration and Congressman of being the go between.

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1 So, we had some assurance that all points
2 considered have been looked at. And we had factual
3 evidence to indicate that our rationale did not have a
4 basis.

5 Because I would appreciate -- we'd all
6 appreciate the issue of safeguards. But I'm sure NRC
7 appreciates that it is very unsatisfying for the public.
8 And there is a suspicion of hiding behind safeguards
9 when there is really not a sound basis.

10 And then more instead, financial
11 considerations for the industry. And public relations
12 objections by the industry to have heavy visible
13 security on the periphery of their property because that
14 in essence tells the public, gee, something could happen
15 that may be a danger.

16 The same type of thinking as industry and
17 initially NRC's acquiescence too not mandating
18 potassium iodide after recommendation from the Kennedy
19 Commission. You provide a pill. You tell them there
20 might be a danger. You provide heavy security on the
21 periphery of Pilgrim. You're telling the people there
22 might be danger.

23 That is why when Governor Swift of
24 Massachusetts after 9/11 wanted a heavy presence of the
25 National Guard on the periphery of Pilgrim, there were

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1 heavy, heavy objections from the industry. And we
2 wound up with a very small presence of National Guard.
3 They could not go on site per agreement between the
4 Governor and Entergy.

5 But I'm sure Diane and Bill have many things
6 to say. Thank you.

7 MR. MAURER: Hi, this is Bill Maurer. Can
8 I say something now?

9 CHAIR GAVRILAS: Yes, please.

10 MR. MAURER: Okay. Thank you. Yes, Mary
11 brought the point that Pilgrim is vulnerable from the
12 sea. And it certainly is with just buoys out there to,
13 you know, that people don't even know what the buoys mean
14 if they're not from around the area.

15 But what concerns me is that the -- Pilgrim
16 recently has initiated, and all nuclear plants I believe
17 have initiated, I think all flex plants, which with
18 Pilgrim, it's associated with the loss of offsite power
19 vents and loss of cooling from the ultimate heat sink,
20 that being Cape Cod Bay.

21 And so, they initiated this flex plan that
22 talks about, you know, having portable pumps and a
23 strainer that they put out into Cape Cod Bay. And they
24 use Cape Code Bay water.

25 And you know, a couple of guys are down on

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1 the shore, you know, manning this equipment and tying
2 it into the cooling system of the plant. Well, one of
3 the most vulnerable parts of the plant as relative to
4 Cape Code Bay is the intake channel. And the intake
5 grates and the screens.

6 You know, it would be very simple for
7 someone to have a mini-submersible, you know, remote
8 controlled sub and do, you know, extensive damage to the
9 intake canal and the intake equipment. And there would
10 be a loss of coolant.

11 You know, I don't see any safety backup
12 systems in place if there was a loss of coolant during
13 a terrorist attack such as from the sea and damage to
14 the intake canal. Certainly people aren't going to be
15 down on the beach putting in equipment if that sort of
16 attack is going on.

17 So, that's sort of the hole I see in backup
18 systems. And you know, an easy way, a very expensive
19 way, but an easy way to take the whole intake canal issue
20 off the table in terms of security is to put in cooling
21 towers with a closed lid cooling system.

22 And that's something we've never talked
23 about. The other new things, it's not really new, but
24 the town of Plymouth is planning to have their 400th
25 anniversary celebration in 2020.

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1 And, you know, Pilgrim, you know, enjoys
2 the distinction of being America's hometown and the
3 Pilgrims. You know, in 2020, 400 years, a pretty
4 symbolic target and dates, you know, if someone wanted
5 to make a statement.

6 I think Pilgrim is certainly, you know,
7 becomes a choice of targets as it gets closer to their
8 400th anniversary. And just that -- that fact should
9 maybe come up on people's radar about increasing
10 security around Pilgrim as we get closer to that date.

11 My other experience, and we talked about
12 this the last time we had a conference call, was about
13 how casual the security is on the owner controlled
14 property. Diane Turco and myself back in August 2014,
15 you know, we walked onto the property past employees and
16 past security people.

17 And we walked right up to the building where
18 people, you know, do their palm print and go through the
19 gate to, you know, as they go and leave for work. And
20 during that excursion onto the owner controlled
21 property, you know, no one even asked us who we were or
22 what we were doing there.

23 You know, regardless of whether it be an
24 employee checking in or whether it be a security person.
25 And you know, we walked back out and the security people

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1 were pretty angry that we had, you know, done this.
2 Walked onto the property.

3 You know, putting up no trespassing signs
4 is really only going to keep the most timid of tire
5 kickers. And I don't think -- I think people -- I think
6 Pilgrim should expect people to be on the owner
7 controlled area of the property if they're only going
8 to put up no trespassing signs.

9 You know, fishermen enjoy that area because
10 it's good fishing down there. I think local fishermen
11 go fishing down there all the time.

12 And so, it just sends a whole -- and the
13 owner controlled property is really a campus
14 atmosphere. The day we walked on people were -- it was
15 a beautiful day at the end of the summer. And you know,
16 people were strolling around.

17 Presumably, you know, there's a
18 construction crew doing some construction work near the
19 entrance. UPS trucks were coming and going. Other
20 delivery trucks were coming and going. People were
21 coming and going and changing their shift.

22 And it was a campus atmosphere there at, you
23 know. It has signs, but essentially there's zero
24 security on the owner controlled property as far as I
25 can see.

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1 And that's it. I'll stop there. Thank
2 you.

3 CHAIR GAVRILAS: Thank you very much.

4 MR. MAURER: Yes. Yes.

5 MS. TURCO: Are there any questions for
6 Bill?

7 CHAIR GAVRILAS: No questions.

8 MS. TURCO: Okay. All right. This is
9 Diane Turco. I'm from Cape Downwinders. And I was
10 with Bill when we walked on the property.

11 And you know, my big question is, does the
12 NRC expect Entergy to enforce the owner property no
13 trespassing? Because they are not.

14 So, that was -- that's the question. Does
15 the NRC expect the Entergy Corporation to enforce the
16 no trespassing signs -- the no trespassing signs?
17 Because they are not doing that.

18 When Bill and I left the property, we were
19 on the property, we walked right into the building and
20 closed the door behind us. We were workers were
21 scanning their hand image to get into the building.

22 When we left, and we were walking off the
23 property, it's about a quarter of a mile driveway, there
24 were four security guards in front of us. They didn't
25 even know we were on the property.

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1 We were on that property for over 20 minutes
2 and there was no detection. No one came up to us. No
3 one asked us why were there.

4 My question too, are there security
5 cameras? Are they working? Are they being monitored?
6 Obviously not because from our experience, we were not
7 approached by anybody.

8 Even two security guards walked past us to
9 be walking off the property as we were going on. And
10 they didn't blink at us at all.

11 It's a big concern. And you know, you're
12 talking about the owner controlled area. What are the
13 responsibilities of Entergy? Can there be damage done
14 from the owner controlled to the spent fuel pool?

15 We understand that it's a tin roof. We
16 know that it's vulnerable from the air. And as Mary
17 said, there could be terrorists with rocket grenades up
18 in the air hitting the spent fuel pool.

19 We know the damages that can be done there
20 that would be catastrophic. And what could the damage
21 be done from the water as Bill and Mary both said.
22 There's a buoy there. That's another area of the owner
23 controlled responsibility. And there's no protection
24 from damage or destruction.

25 This is very, very serious. We know that

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1 from -- as Mary said from the Attorney General's report,
2 if there's a fire at that spent fuel pool, that could
3 easily be damaged from somebody entering the owner
4 controlled area from the land or from the water. It's
5 open.

6 We already know what can happen in a
7 catastrophic event. It would forever change the
8 landscape of New England. And we are looking for you
9 to uphold your mandate for public safety by mandating
10 increased why we actually should be shut down.

11 Because how are you ever going to protect
12 that area? How are you ever going to protect an
13 airplane from hitting that spent fuel pool or from
14 damaging that water intake area?

15 Hasn't been done since 9/11. And it's now
16 2015. And rejecting this Petition is showing us that
17 we know if the NRC is taking is as seriously as they
18 should.

19 Because this is an ultimate danger to the
20 people in the State of Massachusetts and New England.
21 And we're expecting that you will review what is being
22 presented today because that's your responsibility.

23 MS. LAMPERT: This is Mary Lampert. This
24 --

25 CHAIR GAVRILAS: Ms. Lampert, excuse me

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1 for just one second.

2 MS. LAMPERT: Oh, sure.

3 CHAIR GAVRILAS: I have a question. This
4 is Mirela Gavrilas again. Ms. Turco, I have in front
5 of me an email dated May 19, from D. Morgan from Nadiyah
6 Morgan. I was wondering if you got that email?

7 It's addressed to Ms. Lampert, Mr. Maurer
8 and Ms. Turco.

9 MS. TURCO: I would have to go back and
10 check and look into that.

11 CHAIR GAVRILAS: Okay.

12 MS. TURCO: May 19?

13 CHAIR GAVRILAS: Yes. Because that's --
14 that email covers the owner controlled area. So, --
15 okay, anyways, I didn't mean to hold things up.

16 I just wanted to make sure that you received
17 that communication.

18 MS. TURCO: Yes. Who was it from did you
19 say?

20 CHAIR GAVRILAS: It was from P.M. Nadiyah
21 Morgan. Her last name is Morgan.

22 MS. TURCO: Yes, May 19?

23 CHAIR GAVRILAS: Yes.

24 MR. GUZMAN: Essentially this was the
25 email that you all responded to.

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1 MS. TURCO: Yes. Yes, I got it, yes, yes,
2 yes.

3 CHAIR GAVRILAS: Great.

4 MS. TURCO: Okay.

5 CHAIR GAVRILAS: I just wanted to confirm
6 that you have it and please go on, continue with your
7 testimony.

8 MS. TURCO: Oh, I will. Again too, I think
9 -- yes, okay, this is Diane again too.

10 You know we look at the history of the NRC
11 Regulations. You know, the Regulations don't mean that
12 they're going to protect the public.

13 When you look at the Emergency Planning
14 Zone Regulations in the 1980 when they were trying to
15 restart Pilgrim and Governor Dukakis said that don't
16 restart because we can't provide of the public safety
17 in the Emergency Plans.

18 And the NRC overruled him and allowed
19 Boston Edison to restart Pilgrim at that time. And then
20 what the NRC did is institute 10 C.F.R. 5047. Which
21 allows any reactor to be licensed even if there aren't
22 emergency plans, if the State won't be cooperative about
23 it.

24 CHAIR GAVRILAS: Yes, but you're talking
25 about security.

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1 MS. TURCO: Right. But what I'm saying is
2 -- what I'm saying is that Regulations sometimes don't
3 meet the needs that are real. They didn't meet the
4 needs then.

5 And Regulations regarding owner property,
6 owner area property, may need to be strengthened and
7 enforced. So, that's why I brought that up.

8 CHAIR GAVRILAS: Mary?

9 MS. LAMPERT: This is Mary Lampert. I am
10 aware of the response on the protected area versus the
11 owner controlled area. That is why I indicted you
12 unique circumstances at Pilgrim.

13 Why we have underscored the symbolic value
14 because of its location. Why we have underscored the
15 impact because it is a densely populated area. That
16 damage could impact two major cities on the east coast.

17 That is why we brought forward the
18 University of Texas study, highlighting the
19 vulnerability in particular, from the water. And
20 brought forward the vulnerability from the air,
21 particularly because it's a BWR Mark 1 design with a
22 spent fuel on the top of the reactor outside of primary
23 containment.

24 And we brought forward that they now have
25 three dry casks. Each cask containing half cesium-137

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1 as released in Chernobyl that are out in the open. And
2 then we brought forward the vulnerability of those casks
3 to M-3 weapons from Dr. Gordon Thompson.

4 So, it's unique. And when you can show
5 unique circumstances, then we believe there is
6 flexibility for the NRC in adjusting or being more
7 flexible with an overall, general rule, as is the case
8 in say license renewal adjudication processes.

9 So that is why we made it unique. And I
10 would also add to the comments made by Bill Maurer on
11 the intake canal that shortly after 9/11, I believe it
12 was DHS, visited some plants, Millstone being one of
13 them. And recommended a grate at the mouth of the
14 intake structure to provide some defense about a
15 submerged weapon going up the intake canal carrying a
16 bomb -- an explosion.

17 This was turned down because of cost.
18 However, I think it indicates that vulnerability
19 recognized by DHS. And it also shows an acquiescence
20 to the industry's objection to spend money. Because
21 gates you have to keep clear of mussels, et cetera.
22 It's more maintenance.

23 So there are things that can be done. And
24 I think that is what we are asking for. Because of the
25 unique vulnerability and attractiveness of this

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1 reactor.

2 CHAIR GAVRILAS: Thank you.

3 MS. LAMPERT: Any other questions? I --
4 you don't answer questions, I understand that. But, I
5 think the potential of going through Keating's office
6 might be just a good plan all around to also bolster what
7 is needed, confidence in the NRC and this process.

8 And there isn't very much confidence
9 unfortunately in the 2.206 Petition process. Simply
10 because of the very poor track record of providing A,
11 substantive relief, which was shown previously by your
12 PRB colleague and -- by Judge Rosenthal.

13 And also, the -- it put it -- it appears
14 cavalier in nature of the way decisions are written that
15 are just general, I'm trying to think of a polite word
16 to use. It's very general statements.

17 And never going to the heart and explaining
18 what really in sort of a case controlled legal method,
19 what, you know, what was wrong with the points brought
20 forward. And that's not saying that would be the case
21 certainly with this Review Board.

22 I've never had a Petition before you all.

23 CHAIR GAVRILAS: We're listening very
24 carefully to you. And we're all going to think of ways
25 in which we can address your comments.

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1 MS. LAMPERT: Okay. So, our to do lists
2 are to provide you with the link for the UT study. And
3 an Affidavit from Senator Wolf. Is that correct?

4 CHAIR GAVRILAS: The UT study, we need.
5 The Affidavit only if you feel that it would bolster your
6 Petition.

7 MS. LAMPERT: Okay. That's great. I'm
8 of the age that I need to have my lists of what I have
9 to do and put them very prominently on my computer.

10 CHAIR GAVRILAS: Are there any other
11 comments from the Petitioners please?

12 MS. TURCO: This is Diane Turco. And I
13 hope you seriously consider what Mary Lampert has said
14 and Bill. And take in consideration the population
15 that you're mandated to protect.

16 Please do the good work for us.

17 MR. MAURER: Hi, this is Bill Maurer. I
18 know it's getting ready to close. But I just want to
19 add one more thing that comes to mind that has changed
20 in the recent years.

21 And that is, we used to have Otis Air Force
22 Base, Camp Edwards on Cape Cod and Bourne, as a resource
23 to deter terrorist attacks at Pilgrim. It was close by,
24 you know like 13 miles from the plant.

25 Now that resource is no longer active to

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1 handle those kinds of situations. And, you know,
2 security personnel as far as air goes would probably
3 have to come from Westover Air Force Base.

4 So that's another part of the security at
5 Pilgrim that has changed. And it actually weakens in
6 the relatively recent years.

7 And I'll finish with that and just say thank
8 you for having this conference call for us to speak with
9 you.

10 MS. LAMPERT: Mary Lampert. In response
11 to Bill's comment regarding Otis, what he says is right
12 on. However, I happen to -- my former neighbor in
13 Duxbury was the former commandant of Otis Air Base.

14 And also served with me on the town of
15 Duxbury's appointed nuclear advisory committee. And
16 he -- after 9/11, you know, I asked him the question,
17 I said well how long would it take then to get an airplane
18 at Otis and intercept?

19 And he said at minimum 15 minutes. Now
20 that's 13 miles, 15 minutes mobilization getting in the
21 air to intercept. In other words, he said it would be
22 a fool's errand.

23 And so clearly from Westover, which is even
24 further, if they were smart, they would just head
25 perpendicular to the wind and get out of the area. That

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1 there's no way they could intercept an air attack.

2 I just thought I'd throw that out. It was
3 General John Anderson. Anderson.

4 And that's all.

5 CHAIR GAVRILAS: Any more comments?

6 MS. LAMPERT: None from Mary Lampert.

7 CHAIR GAVRILAS: Okay. Thank you very
8 much for all of your comments.

9 Does the NRC staff have any questions of the
10 Petitioners? And I'm talking to my colleagues here in
11 the room?

12 (No response)

13 CHAIR GAVRILAS: Has the Region joined us?

14 (No response)

15 CHAIR GAVRILAS: No? So I guess they have
16 no questions. Has the licensee joined us?

17 (No response)

18 CHAIR GAVRILAS: So they would not have any
19 questions. If there are any members of the public, do
20 you have questions about the 2.206 Petition process?

21 (No response)

22 CHAIR GAVRILAS: I hear none. With that,
23 I want to thank the Petitioners for taking the time to
24 provide the staff with additional comments on your
25 Petition.

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1 (Whereupon, the above-entitled matter went
2 off the record at 11:49 a.m.)
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