

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BRIEFING ON EMERGENCY PREPAREDNESS PROGRAM  
INITIATIVES

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Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland

Tuesday

December 14, 2004

The Commission met in open session, pursuant to notice. Chairman Nils Diaz, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission

EDWARD MC GAFFIGAN, JR., Member of the  
Commission

JEFFREY MERRIFIELD, Member of the Commission

(The following transcript was produced from electronic caption media and audio and video media provided by the Nuclear Regulatory Commission.)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

Secretary

General Counsel

LUIS REYES, EDO

ERIC LEEDS, Director, Div. of Preparedness and  
Response

RICHARD WESSMAN, Director Incident Response  
Directorate

JAMES WIGGINS, Deputy Regional Administrator,  
Region I

NADER MAMISH, Director, Emergency Preparedness  
Directorate

## 1 PROCEEDINGS

2 CHAIRMAN DIAZ: Good afternoon again. I think we are  
3 going to need to discuss emergency preparedness. It is something that  
4 I believe is kind of timely for this year, being 25 years from TMI, a good  
5 way of finishing the year in looking at one of the issues that I believe is  
6 closer to our stakeholders and to the public.

7 So we appreciate the staff coming and briefing the  
8 Commission. I think that since 9-11, we have moved forward in many  
9 of these areas, both in the emergency preparedness and the incident  
10 response. The agency has reorganized twice this year to be able to  
11 better address the issues that deal with both the emergency  
12 preparedness and the relationships with all of the security issues.

13 I think, you know, this meeting has definitely an  
14 informational aspect that goes beyond what the Commission needs.  
15 And it is a fact that we need to keep our public well informed of how the  
16 agency is handling the issues of emergency preparedness.

17 We look forward to the staff presentation and wonder if  
18 my fellow Commissioners have anything. With that, Mr. Reyes.

19 MR. REYES: Thank you, Chairman, Commissioners.  
20 The staff is here today to brief you on the status of emergency  
21 preparedness and incident response.

22 In addition to the NRC staff at the table, I would like to  
23 recognize that we have some guests from the Federal Emergency  
24 Management Agency. Craig Conklin is here, and Vanessa Quinn is  
25 supposed to join us, they're key assets to the implementation of

1 emergency preparedness off-site and have really contributed to our  
2 work in the field.

3           As you stated, after September 11th the NRC changed its  
4 organization to make sure that we have an objective of connecting  
5 safety, security and emergency preparedness. And I think we have  
6 reached that objective. And we have members of that new organization  
7 here with us to make the presentation.

8           Eric.

9           MR. LEEDS: Thank you. Good afternoon, Mr. Chairman,  
10 Commissioners.

11           I will now discuss our emergency preparedness and  
12 incident response programs. We know that things are different in the  
13 post 9-11 world and we are changing to meet these challenges.

14           We also know that despite these new challenges, the  
15 emergency preparedness basis remains valid.

16           Now, good planning leads to good response. So with that  
17 in mind, I will start this discussion with emergency planning or as I will  
18 often refer to it, EP. And then I will discuss our emergency or incident  
19 response.

20           The overall objective of the Commission's emergency  
21 preparedness regulations is to minimize radiation exposure to the public  
22 through a combination of protective actions and licensee actions to  
23 mitigate the consequences of an accident or event. This has been and  
24 continues to be our primary objective.

25           The increased staff resources for emergency

1 preparedness allowed us to establish five teams within the emergency  
2 preparedness directorate staffed with emergency preparedness  
3 specialists. These teams are focused on specific program areas:  
4 outreach, regulatory improvements, security interface, licensing and  
5 inspection.

6           These teams are examining all aspects of the agency's  
7 emergency preparedness program to ensure that the NRC and our  
8 licensees are prepared to respond to incidents in the challenging and  
9 changing post 9-11 world.

10           This is what we mean when we refer to emergency  
11 preparedness as a dynamic process. The plans, by design, are flexible  
12 and can be modified as necessary to meet new challenges and  
13 incorporate identified improvements and enhancements. It is a process  
14 of continuous improvement.

15           The spirit of continuous improvement guides each of our  
16 teams. I will discuss each team's activities starting first with the  
17 outreach team.

18           Effective outreach and communications play a vital role in  
19 ensuring strong emergency preparedness and response programs. We  
20 are aggressively enhancing our outreach efforts.

21           We developed an emergency planning and response  
22 website that resides on our NRC website. This website, readily  
23 available to our stakeholders, is another way for to us reach out. We  
24 have heard from many stakeholders about the usefulness of those  
25 websites in locating information about emergency preparedness.

1           We are reaching out to State and local officials. We will  
2 be meeting just two days from now with local government officials from  
3 the four counties surrounding the Indian Point Energy Center. The  
4 purpose of this meeting is to discuss security and emergency  
5 preparedness issues.

6           As you are aware, the Indian Point Energy Center  
7 committed to run a terrorist-based emergency preparedness exercise  
8 earlier this year. This was an exercise with an intentional large  
9 commercial aircraft crash into the facility. We supported this effort with  
10 many meetings with State and local officials and members of the public.  
11 We regularly spoke to members of the media. And on the day of the  
12 exercise, we staffed an emergency preparedness information facility to  
13 answer questions from the media, Congressional staff and other  
14 stakeholders.

15           We are also making concerted efforts to reach out to  
16 State and local officials at specific regional workshops to discuss the  
17 National Response Plan and security emergency preparedness topics.

18           We have completed regional workshops in Chicago,  
19 Albany, and Dallas and have another scheduled in Orlando in January.  
20 We have received many positive comments from industry and other  
21 attendees at these meetings.

22           We are planning a specific meeting with the public to  
23 provide our perspective on implementing the National Response Plan in  
24 February.

25           We have supported numerous public meetings where the

1 agenda didn't specifically include emergency preparedness such as the  
2 power plant annual assessment meetings. We know that there is an  
3 increased interest in emergency preparedness since 9-11, and we need  
4 to be available to respond to the public's questions.

5           In addition, we worked with local governments and  
6 response organizations through table-top exercises, observation of  
7 force-on-force exercises and full participation exercises. We have  
8 participated in several emergency exercises that provide for a detailed  
9 demonstration and analysis of emergency preparedness and operations  
10 challenges involving off-site response organizations.

11           Recent examples include Nebraska and Missouri for the  
12 Cooper Nuclear Station, the State of Ohio and the Perry Nuclear Power  
13 Station, and the State of New York for the Indian Point Energy Center.

14           We also visited Lynn County, Iowa, at the invitation of  
15 off-site emergency management officials to observe the enhancements  
16 to their off-site response program.

17           We are reaching out to the industry. We are dedicated to  
18 continued sharing of information between emergency management  
19 organizations and licensees to strengthen our response programs.

20           We have introduced our new organization, discussed the  
21 new challenges and NRC responses to those challenges at two Nuclear  
22 Energy Institute forums, the mid-year meeting of the American Nuclear  
23 Society and the National Radiological Emergency Preparedness  
24 Conference.

25           We also participate in open public meetings with individual

1 licensees to discuss their emergency preparedness and response  
2 programs.

3           These efforts with industry and State and local officials  
4 have brought better understanding of the NRC's emergency  
5 preparedness expectations. Our programs and our licensees'  
6 programs have improved as a result.

7           Our cooperative efforts include other agencies within the  
8 Federal family. We work closely with the White House Homeland  
9 Security Council and the Department of Homeland Security on the  
10 development of the National Response Plan.

11           We supported Homeland Security Council efforts to  
12 develop national level guidance on radiological counter measures and  
13 protective action guidelines for radiological dispersion devices or dirty  
14 bombs.

15           We have been and continue to be an active participant on  
16 the 18-member agency Federal Radiological Preparedness  
17 Coordinating Committee chaired by Craig Conklin of the Federal  
18 Emergency Management Agency. The FRPCC meets quarterly and  
19 works on a variety of radiological issues.

20           We have also worked closely with the Departments of  
21 Health and Human Services and Homeland Security to develop  
22 guidelines to support the implementation of relevant sections of the  
23 Bio-Shield Act, specifically HHS's implementation of a distribution  
24 program for potassium iodide tablets.

25           Another of our teams is the inspection team. The

1 inspection team supports the regional inspectors in implementing NRC  
2 regulations and the reactor oversight process. It has been four years  
3 since the NRC implemented its revised oversight process for reactors.  
4 Emergency preparedness is one of the cornerstones in this oversight  
5 program.

6           When key indicators were identified, we selected  
7 parameters that were significant in terms of protection of public health  
8 and safety such as emergency classifications, protective action  
9 recommendations and notification of off-site authorities and the public.  
10 These key indicators are regularly tested, evaluated and reported,  
11 providing an overall indication of the licensee's current emergency  
12 preparedness programs and readiness.

13           NRC regional inspectors routinely perform on-site  
14 emergency preparedness inspections. As a result, licensee emergency  
15 preparedness programs provide for the assurance of public health and  
16 safety.

17           Publicly available information notices have been issued to  
18 industry to alert them to potential problems that have been identified by  
19 the emergency preparedness reactor oversight program and to clarify  
20 NRC expectations.

21           For example, during the blackout of August 2003, at some  
22 plants backup power supplies to emergency response facilities did not  
23 operate as expected.

24           An information notice was issued to industry to alert them  
25 to potential problems seen with backup power supplies to emergency

1 response facilities. We requested they review the information for  
2 applicability for their facilities and consider actions as needed to avoid  
3 similar problems.

4           As a result of this communication, licensees are aware of  
5 these potential issues and correct site-specific problems at their  
6 facilities.

7           We have issued notices to address procedural  
8 improvements. For example, NRC inspectors identified a lack of  
9 consistency in the application of protective action recommendations.  
10 Some licenses did not include sheltering in their protective action  
11 recommendations. There are instances such as for inclement weather  
12 where sheltering may be the best protective measure.

13           To ensure that licensees were considering sheltering as  
14 part of their overall protective action recommendations scheme, we  
15 issued a Regulatory Information Summary alerting the power plants to  
16 this potential problem in clarifying the NRC's expectation of licensees  
17 when making protective action recommendations. Through the  
18 inspection process we will continue to review licensee protective action  
19 recommendation schemes to ensure that appropriate consideration is  
20 given to sheltering.

21           One of the five teams I spoke of earlier is focused on the  
22 emergency preparedness aspects of licensing reviews for both power  
23 and non-power reactors. Licensing reviews are a significant part of our  
24 work. Within the emergency preparedness technical area in the past  
25 year, the staff has completed 33 licensing activities. We anticipate

1 working an additional 65 licensing activities during the next Fiscal Year.

2 Major EP licensing activities include reviews of significant  
3 emergency action level or EAL changes, proposed common emergency  
4 operational facilities, emergency response organization shift staffing  
5 and emergency plan reviews.

6 Additionally, we are in the process of reviewing the site  
7 capabilities for three early site permit applications for potential new  
8 nuclear power plants received by the NRC.

9 The staff has also performed emergency preparedness  
10 reviews for new power plant design applications including  
11 Westinghouse AP1000 recently approved by the Commission. This  
12 further demonstrates the role of emergency preparedness as an  
13 integral part of a nuclear power plant's safety and protection of the  
14 public.

15 Another of our teams is dedicated to the post 9-11  
16 security emergency preparedness interface challenge. We are working  
17 to strengthen the security EP interface to reflect the latest  
18 developments from the intelligence community. We work with the  
19 Department of Homeland Security and Department of Defense,  
20 including NORTHCOM and NORAD to share information and to  
21 develop and implement nuclear and radiological security contingency  
22 plans that combined with the licensee's radiological emergency and  
23 security response provide for protection of the public.

24 We are an integral part of the security force-on-force  
25 exercises. We evaluate the nuclear power plant operations and

1 security staff's performance in required emergency preparedness  
2 actions and communications under the stressful and fast-moving  
3 conditions of a simulated terrorist attack.

4           Participation in these exercises is resulting in  
5 enhancement to licensee emergency plans. We issued  
6 communications to the industry on lessons learned from these  
7 exercises, noting areas where licensees may need to reinforce their  
8 programs.

9           My staff has participated in the integrated Federal  
10 table-top exercises run by the Department of Homeland Security to gain  
11 better insight into crisis management response. This has enabled us to  
12 further integrate crisis management and consequence management,  
13 which we believe will result in more effective emergency response to  
14 terrorist type events.

15           We also work closely with the Division of Nuclear Security  
16 to ensure that security enhancements consider the impacts on plants'  
17 emergency preparedness. In the past, commercial nuclear emergency  
18 preparedness was based on the actual or potential health effects from  
19 the release of radiation that could occur during an incident.

20           We anticipated a precipitating event that could escalate in  
21 a step-wise fashion based on equipment malfunctions, operator errors  
22 or other unintentional conditions. As part of our changing world, the  
23 post 9-11 environment has challenged us to consider acts of terrorism  
24 that have the intent of inflicting significant damage.

25           Let me take a few minutes to discuss the planning basis

1 for emergency preparedness.

2           In the initial development of emergency preparedness, an  
3 entire spectrum of accidents was considered. This spectrum included  
4 beyond design basis, low probability, severe consequence accidents.  
5 No one specific type of accident sequence or sequences was selected  
6 to be the basis for emergency preparedness. Rather, it was decided  
7 that the basis would identify the bounds of the parameters for which  
8 planning is recommended based upon knowledge of the potential  
9 consequences, the timing, and the release characteristics of a spectrum  
10 of accidents.

11           Following the events of 9-11 the staff reassessed the  
12 existing planning basis for emergency preparedness in the commercial  
13 nuclear industry. A terrorist attack on a nuclear power plant was  
14 thought by some to be somehow different than our previously analyzed  
15 severe accidents.

16           Emergency preparedness staff has worked closely with  
17 staff from the Office of Research on their efforts to study these types of  
18 events on nuclear power plants. The studies examined such things as  
19 an intentional aircraft crash into a nuclear power plant.

20           National experts conducted detailed engineering studies  
21 using state-of-the-art structural and fire analyses and enhanced  
22 methodologies to predict realistic accident progression and radiological  
23 consequences. As you know, the specific details of these analyses and  
24 their results are classified.

25           However, I can speak to the general conclusions of the

1 studies. The likelihood of both damaging the reactor core and releasing  
2 radioactivity that could affect public health and safety is low. There will  
3 be time beyond the minimum time frame used for the emergency  
4 planning bases to implement plant mitigating measures and off-site  
5 emergency plans.

6           We recognize, however, that the initiating events may  
7 occur more quickly and that response efforts may be different. But it is  
8 important for me to reiterate that even in the unlikely event of a  
9 radiological release due to terrorist usage of a large aircraft, NRC's  
10 emergency planning basis remains valid.

11           We have identified enhancements that we believe will  
12 strengthen overall emergency preparedness and response.

13           We are interacting with industry and other stakeholders on  
14 development of new emergency action level criteria that is based on  
15 terrorist events or threats. And these will supplement the current  
16 emergency action level criteria, not replace them.

17           We are also discussing further implementation of  
18 terrorist-based emergency preparedness drills. Such a drill was part of  
19 the biennial full participation exercise held at the Indian Point Energy  
20 Center earlier this year. In that exercise, there was a postulated  
21 deliberate large aircraft crash into the Indian Point site.

22           The time line and progression of events directly related to  
23 the postulated aircraft impact were realistic and this exercise helped to  
24 validate the emergency preparedness provisions at this facility.

25           In this exercise, the timing of events enabled off-site

1 responders to understand that even with a large aircraft attack on the  
2 plant, there is time to initiate actions to protect public health and safety.  
3 Lessons learned from this drill are helping us inform our process going  
4 forward.

5                   Many of the improvements we have identified are being  
6 brought to fruition by our regulatory improvements team, the last of the  
7 five teams.

8                   This team develops emergency preparedness policies,  
9 regulations and guidelines, and coordinates as necessary with the  
10 Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory  
11 Research and Nuclear Reactor Regulation.

12                   Commercial nuclear emergency preparedness regulations  
13 were created in a step-wise fashion, with Appendix E approved in 1970  
14 and the remainder of the regulations and guidance developed in the  
15 late 1970's and the early 1980's due to lessons learned from the Three  
16 Mile Island accident.

17                   Implementation of the regulations and guidance has  
18 uncovered areas for potential improvements and increased clarity that  
19 would benefit the NRC industry and off-site response organization. We  
20 have undertaken several studies designed to improve the state of  
21 knowledge in emergency preparedness. For example, we recently  
22 completed two studies related to evacuations. The first study updated  
23 existing NRC guidance on developing evacuation time estimates.

24                   The evacuation time estimate is the estimated time to  
25 evacuate individuals from the emergency planning zone. Technologies

1 have substantially changed since we initially issued guidance on the  
2 subject, and additional potential considerations have emerged.

3           Some of the elements specifically considered in the  
4 update include computer modeling, improved traffic management  
5 systems, trip generation times, demand estimation, and shadow  
6 evacuations, which describe the potential for members of the public that  
7 are not within the emergency planning zone to evacuate on their own  
8 initiative.

9           While this new study will provide more detailed guidance  
10 that should be considered in development or updating evacuation time  
11 estimates, it also affirmed that the foundation for developing the  
12 evacuation time estimates in our original guidance, NUREG-0654,  
13 remains valid.

14           COMMISSIONER MC GAFFIGAN: Mr. Chairman, I think  
15 I said this last year and Eric was not at the table then. But I have been  
16 involved in something in the order of 10 to 15 exercises in my full team  
17 exercises in my years here. And we have never in all of those  
18 exercises ever tried to evacuate the entire ten-mile EPZ. We always  
19 start with the two miles and then some keyhole off on the five mile  
20 direction.

21           And even with the creative writers who write up these  
22 scenarios, we don't ever need to evacuate the ten-mile EPZ. So in  
23 some sense, this is the wrong question.

24           I mean, I don't know whether there has ever been an  
25 exercise with other Commissioners where the entire ten-mile EPZ has

1 said you got to go right now, it's so bad. But I have not heard of such  
2 exercises. And they would stretch the imagination of even the scenario  
3 writers.

4                   So I worry about this definition. ETE is the time estimated  
5 to evaluate all individuals to outside the EPZ.

6                   Well, you know, if in the history of this agency, which goes  
7 back almost 30 years now, we have not found that necessary, even in  
8 our exercises with creative writers writing the scenarios, shouldn't we  
9 be thinking about evacuation time estimates for what normally gets  
10 done, how long does it take to get the two-mile zone completely  
11 evacuated, how long does it take for various keyholes, how long does it  
12 take to -- and I know some States -- I mean, one of the issues we have  
13 is that some States want to do all azimuth evacuations despite our  
14 judgment that that oftentimes would actually hinder the emergency  
15 planning efforts and adversely affect public health and safety in a real  
16 event.

17                   So, as I say, these evacuation time estimates are used  
18 and misused a lot of the time because they lead to this thought in  
19 people's heads that you have to evacuate 314 square miles as  
20 absolutely rapidly as possible. And we don't have to evacuate 314  
21 square miles as absolutely rapidly as possible. We almost never will.

22                   In doing it, if the wind is blowing in that direction, focus on  
23 the people where the wind is blowing, and not the people where the  
24 wind isn't blowing, at least initially. That is what any public official would  
25 want to do, I think.

1                   COMMISSIONER MERRIFIELD: Commissioner  
2 McGaffigan, to answer some of your question, I recollect, and this was  
3 an exercise I did that was associated with VY, Vermont Yankee, I don't  
4 know if it went out ten miles. But I do reflect in that circumstance it was  
5 a case where the State of Vermont -- you know, the evacuation went  
6 over a keyhole -- in that case the decision tree in that neck of the  
7 woods is if Vermont goes, then Massachusetts goes. And if Vermont  
8 and Massachusetts go, then New Hampshire goes too.

9                   MR. MC GAFFIGAN: That's politics.

10                  COMMISSIONER MERRIFIELD: There are other  
11 dynamics at play than some of the things you are talking about.

12                  I thought I would add that to the record.

13                  COMMISSIONER MC GAFFIGAN: It is something that I  
14 think is, in many respects, the wrong question. You know, how long  
15 should it take to evacuate 314 square miles of all individuals? That's  
16 the wrong question.

17                  CHAIRMAN DIAZ: The staff needs to be able to answer  
18 the question. I think there are some very good practical aspects of your  
19 question.

20                  I think the staff is always bound by the fact that when the  
21 planning basis was established, it needed to consider what those times  
22 were.

23                  I think there is many good things in assessing. And you're  
24 right, we always do consider whether we do a smaller evacuation or a  
25 keyhole. I think Mr. Leeds was talking of the requirements of assessing

1 what is the total time and if that time was adequate.

2 MR. LEEDS: Yes, sir. And also, Commissioner, certainly  
3 I don't disagree with anything that you said. That's all valid.

4 The study does provide for small segments so that you  
5 can do evacuation time estimates in smaller increments, two miles, five  
6 miles as well as ten miles. There is more to the study than just a  
7 ten-mile emergency planning zone.

8 COMMISSIONER MC GAFFIGAN: Okay. Maybe those  
9 other numbers are more relevant.

10 MR. LEEDS: Yes, sir. And you make a good point. If I  
11 may, sir, I will --

12 COMMISSIONER MC GAFFIGAN: The question I asked,  
13 has there ever been in the history of the agency somebody who was  
14 passing a piece of paper, a case where the initial protective action  
15 recommendation and the exercise was to evacuate ten miles in all  
16 directions?

17 MR. LEEDS: Not that I'm aware of, sir.

18 MR. MAMISH: Not that I'm aware of. Unless there is --  
19 the states simply --

20 COMMISSIONER MC GAFFIGAN: Here is somebody  
21 who may know the answer.

22 MR. BARSS: Dan Barss, team leader for the licensing  
23 team. And the evacuation time estimates that we have, that were done  
24 they asked for not only the total number but they asked that they break  
25 it down, the guidance documents tell them to break it down by the two

1 mile, the file mile and by the different sectors, so they can do a keyhole  
2 prediction and say this is what this keyhole will take to evacuate.

3 Now, it depends on who did the ETE and how they  
4 submitted it when it was done. They come in different forms. But  
5 generally speaking, you can pick out smaller segments of the  
6 population then the whole population by looking at those.

7 COMMISSIONER MC GAFFIGAN: I assume the answer  
8 is no.

9 MR. WESSMAN: But at least as far as my own  
10 experience in the last four years of exercises we have never seen the  
11 full ten that you talk about. We certainly see the two and five and  
12 sometimes an expansion of the two to maybe a semicircle of five. And  
13 that's about as large as it goes.

14 MR. BARSS: One comment being the State of  
15 Pennsylvania generally no matter what the licensee recommends, goes  
16 with the ten-mile evacuation in the entire ten-mile zone.

17 COMMISSIONER MC GAFFIGAN: And I would honestly  
18 urge the State of Pennsylvania to reconsider that if they are an outlier  
19 among the States in doing that. Okay.

20 CHAIRMAN DIAZ: All right.

21 MR. LEEDS: If I may, I will continue.

22 Our second evaluation study looked at 230 major  
23 evacuations that have occurred in the United States between January  
24 1990 and June 2003. This study found that evacuations successfully  
25 protect the public health and safety over a broad range of initiating

1 circumstances and challenges, including technological hazards, natural  
2 disasters and a newly introduced category, malevolent acts.

3           There are several insights from the study I would like to  
4 briefly mention.

5           Relatively large public evacuations occur frequently in the  
6 United States, about once every three weeks.

7           COMMISSIONER MERRIFIELD: For purposes of the  
8 record, can you define "large"?

9           MR. LEEDS: Yes, sir. Large is a thousand or more.

10           Shadow evacuations have not impacted the effective  
11 implementation of adequate protective actions. Emergency workers do  
12 report to duty when asked.

13           Public education is an important contributor to efficient  
14 and effective evacuations. And route alerting is an effective and a  
15 significant contributor to efficient and effective evacuation.

16           Now, I also alluded to a top to bottom review of the  
17 emergency preparedness regulatory structure. Let me take a minute to  
18 discuss this.

19           A top to bottom review will identify if and where  
20 enhancements could be made to address some of the uniqueness  
21 associated with terrorist events. Such things could include, for  
22 example, changes to the planning standard for protective action  
23 recommendations and guidance on alternative emergency response  
24 facility capabilities.

25           So much of our work in emergency preparedness and

1 response is focused on the "what if". As we know, good planning leads  
2 to good response.

3 Let me take a few minutes to discuss our role during real  
4 events such as severe weather --

5 COMMISSIONER MERRIFIELD: Mr. Chairman? Before  
6 Eric -- I normally, there is a lot here. There is an issue here I want to  
7 get to.

8 I think these are important observations that the study has  
9 identified in supporting our EP planning basis.

10 My own understanding is that we have had two instances  
11 that I'm aware of Three Mile Island and in the more recent evacuation  
12 activities associated with the event at Honeywell about a year ago  
13 where individuals were evacuated.

14 One of the things I think is somewhat different, particularly  
15 if you look at Three Mile Island, the need for evacuation, unlike  
16 chemical spills, which is the vast majority of these evacuations that are  
17 pointed to in the study, are not as immediate. When you have a  
18 chemical spill, the notion of an immediate evacuation is much, much  
19 more likely.

20 In our case, you are going to have a -- generally, you may  
21 have some period of time before a decision is made for evacuation.  
22 And in the case of Three Mile Island, I forget what the exact time period  
23 was, but we are talking in excess of 48 hours.

24 One of the things we need to reflect on, particularly as it  
25 relates to the issue of shadow evacuations, is that the closer the

1 evacuation is to the event, the less likely you are going to have shadow  
2 evacuation. The more time that goes on and the more possibility of  
3 some confusion amongst the public about what is the actual  
4 consequences of the event, the more likelihood you could have the  
5 possibility of shadow evacuation.

6           So I think your last bullet here on slide 48, "route alerting  
7 is important contributor to efficient and effective evacuations," that is  
8 exactly right. And I think as a general notion also, effective  
9 communications about what is going on at the site that is impacted and  
10 how that impacts the public is also a key factor, I think, in making sure  
11 that these very same outcomes would occur at the plants that we  
12 regulate vice most of which here in the study were chemical facilities.

13           COMMISSIONER MC GAFFIGAN: Or I think a lot of  
14 these are natural disasters. I mean, Florida, hundreds of thousands, if  
15 not millions, of people during the hurricane fiascos during September,  
16 early October.

17           I mean, the point -- I agree with Commissioner Merrifield,  
18 the study, because it does not focus on nuclear things, when you have  
19 an evacuation in Florida for hurricane purposes, you don't have the -- I  
20 don't know what is the equivalent -- the committee against hurricanes  
21 providing misinformation to the public at the same time.

22           And I think it was the Witt report pointed out --  
23 Riverkeeper, of course, said it was not us, but I would point the finger at  
24 them -- that some of the information that gets put out by the public  
25 interest groups is malicious. It complicates emergency actions. And

1 the longer the thing goes and you get these talking heads who are  
2 standing up and saying all sorts of ridiculous things, it is different.

3 If that was committee against hurricanes --

4 COMMISSIONER MERRIFIELD: The Chairman is much  
5 more capable than I am in commenting on hurricanes, but I am sure  
6 there are some in Florida who would analyze or make an analogy with  
7 some of the weather reporters in their ability to identify the actual  
8 certainty of where the location will be landing as an analogous situation  
9 to the effects of the consequences of a plant we regulate.

10 But I leave the Chairman to --

11 CHAIRMAN DIAZ. I think the point is that the need for  
12 clear communications and really getting to the public early with the right  
13 facts about evacuation is key. And in the case of "radiation," it  
14 becomes even more urgent because people could receive the wrong  
15 information or could decide to start taking the wrong options.

16 So I'm sure we will talk a little bit about communications  
17 and the importance of it.

18 Go ahead.

19 MR. LEEDS: If I can, I will bring us back to the real  
20 events, getting back into the real events.

21 As I was saying, emergency preparedness and response  
22 is the focus on "what if". But let's go over real events such as severe  
23 weather, specifically, hurricanes to show how good planning leads to  
24 good response.

25 This year, we had too many opportunities to exercise our

1 hurricane response. When a hurricane is projected to impact an area  
2 where there is a nuclear power plant, the NRC Regional Response  
3 Center is activated, staff is dispatched to coordinate with the Federal  
4 Emergency Management Agency and the licensee, and the staff at the  
5 NRC Headquarters Response Center are put on notice.

6 In addition, this year we sent NRC liaisons to the  
7 Department of Homeland Security Operations Center.

8 The NRC staff tracks the storm and closely monitors the  
9 power plant preparations for the storm. Response to severe weather  
10 events is a real and active part of the emergency plans for nuclear  
11 power plants. Specific plants staff action such as plant shutdown, may  
12 be required under severe weather conditions.

13 After the storm has passed through the area and before  
14 the plant is allowed to restart, a thorough examination of off-site  
15 emergency response capabilities is undertaken by FEMA. As you  
16 know, FEMA has the responsibility for off-site emergency planning. It is  
17 only when FEMA and the NRC are confident that both the on-site and  
18 off-site emergency plans can be successfully implemented do we, the  
19 NRC, allow the plant to restart.

20 I'm pleased to say that our strong working relationship  
21 with FEMA staff paid handsome dividends as both agencies worked  
22 extremely well together this past hurricane season to ensure public  
23 health and safety as we monitored the impact of the storms on the  
24 nuclear power plants affected.

25 We have also had to respond to actual events at fuel

1 cycle facilities. As Commissioner Merrifield noted, about a year ago we  
2 responded to an event involving a puff release of uranium hexafluoride  
3 at the Honeywell facility in Illinois.

4           Although no one was hurt or injured as a result of the  
5 release, some local residents were evacuated during the event.  
6 Certainly the event, which occurred in the very early hours on  
7 December 22nd, illustrated the agency's ability to respond to events  
8 around the clock and the need for our licensees to have viable  
9 emergency preparedness plans.

10           I would like to turn my focus to incident response,  
11 specifically the NRC's Incident Response Center and its operations.  
12 We continue to maintain a high degree of readiness to respond to  
13 emergencies.

14           Our operations center is staffed around the clock, 24  
15 hours a day, 7 days a week by two operations officers. It is supported  
16 by sophisticated software and hardware. We have made upgrades to  
17 our systems as a result of advancements in technology and post 9-11  
18 considerations, including improvements such as new display screens,  
19 smart boards, secure video teleconferencing and enhanced storage  
20 capabilities for safeguards and classified information.

21           But the enhancements are not limited only to equipment.  
22 We are developing an improved qualification and training program for  
23 our response staff. Our response staff is composed not only of the  
24 dedicated incident response directorate staff, but is supplemented by  
25 many of the technical professionals throughout the agency.

1                   We are in the middle of a comprehensive review of the  
2 agency's incident response program. And the staff, as well as the  
3 Inspector General, has identified opportunities for enhancement.

4                   These include enhancing facilities and information  
5 technology, developing an improved incident response staffing and  
6 augmentation plan, developing and implementing an incident response  
7 qualification program which will include assessment of response as well  
8 as lessons learned and corrective actions, and benchmarking of the  
9 headquarters operations center with those of other agencies.

10                  We have established a dedicated team led by Susan  
11 Frant to critically examine the Emergency Response Program. Their  
12 goal is to consider recommendations made by senior NRC managers,  
13 the Inspector General and the staff to take a fresh look at the agency's  
14 preparedness and response program and to explore the best practices  
15 of other response organizations. Their efforts will bring more effective  
16 licensee and agency response to incidents.

17                  As a result of Commission direction, we are developing  
18 specific response teams that will train together, drill together, and  
19 exercise together. There are three teams that will support reactor  
20 licensee events and two teams to support fuel cycle, facility and  
21 material licensee events.

22                  Along with this initiative, we are making changes in  
23 activation and response strategies to establish more efficient facility  
24 operation.

25                  We have also identified the need for improvements to

1 ensure prompt support of simultaneous multiple licensee events and  
2 supportive events that go on for an extended time period requiring relief  
3 for the initial responders.

4           We have examined a number of facilities including the  
5 Federal Aviation Administration's Dulles Operations Center, the Federal  
6 Emergency Management Agency's Emergency Operations Center and  
7 the Montgomery County, Maryland's Emergency Operations Center.  
8 We plan to visit other facilities to learn their best practices.

9           We are working with the NRC training staff to develop a  
10 training and tracking system. We have gathered together the leaders of  
11 our reactor safety teams and protective measures teams to identify the  
12 critical attributes of each team and what is required of each team  
13 position. We will also be engaging the Commissioners and the  
14 executive team members in a similar manner.

15           In addition, we are also working to incorporate the best  
16 practices identified by the NRC regional offices.

17           While we are working on the improvement plan, we are  
18 still actively engaged in our exercise program. Since we last briefed  
19 you—

20           COMMISSIONER MERRIFIELD Mr. Chairman, I just  
21 think it's worthy of noting at this point we all have commented on the  
22 unfortunate changes that have been forced on our country as a result of  
23 the unfortunate events of September 11th.

24           Looking and trying to put a positive outcome on some of  
25 this, I think the increased focus that you, Mr. Chairman, and all of us on

1 the Commission have made on the Incident Response Center, the  
2 significant achievements of our staff in enhancing the technological  
3 capabilities of that response center, and the enhancements in the  
4 overall capabilities of our personnel in responding to those emergency  
5 response activities has, I believe, significantly improved in the period  
6 since September 11th and is a real plus and a positive thing which has  
7 come out of that very unfortunate event.

8 I did want to note at this point because they have gone  
9 through a series of those slides specific to this, that that is something  
10 that we should reflect on and celebrate.

11 CHAIRMAN DIAZ: Thank you.

12 MR. LEEDS: While we are working on the improvement  
13 plan, we are still actively engaged in our exercise program. Since we  
14 last briefed you, we have successfully participated in radiological  
15 nuclear power plant exercises including Comanche Peak, Catawba,  
16 Cooper and Indian Point.

17 We engaged in a full continuity of operations exercise with  
18 the Perry plant in which we practiced our response assuming that the  
19 headquarters operations center was not available.

20 We have also successfully participated in inter-agency  
21 terrorist exercises including Unified Defense, Forward Challenge,  
22 Determined Promise and Amalgam Virgo.

23 These inter-agency exercises have led to a close working  
24 relationship with the Department of Defense and NORAD. They have  
25 also enabled participation with DHS's homeland security operations

1 center.

2           The close working relationships and the successes from  
3 these exercises enable a better response to events to ensure protection  
4 of public health and safety.

5           As you are aware, Homeland Security Presidential  
6 Directive 5 tasks the Secretary of Homeland Security to develop and  
7 submit the National Response Plan for review to the Homeland Security  
8 Council.

9           The National Response Plan which integrates Federal  
10 domestic prevention, preparedness, response and recovery plans into a  
11 single all discipline, all hazards plan was developed through a  
12 collaborative inter-agency process involving Federal departments and  
13 agencies and representatives from multiple State and local  
14 governments as well as the private sector.

15           The NRC staff was active in the development process and  
16 was part of the writing team for the nuclear radiological incident annex.

17           Additionally, headquarters and regional staff reviewed and  
18 commented on the drafts during the one-year development process.  
19 On behalf of the Commission, Chairman Diaz joined other departments  
20 and agencies and signed the National Response Plan this past  
21 November 29th.

22           In emergency planning we assume the improbable has  
23 already occurred and we implement our response plan to address the  
24 consequences. Whether events occur as a result of severe weather,  
25 terrorist acts or equipment malfunctions, emergency plans provide an

1 effective framework for decision-making and response.

2           We have accomplished much but recognize that we have  
3 more to do. Emergency preparedness is a process of continuous  
4 improvement. But the foundations remain valid.

5           The NRC demonstrated a strong commitment to  
6 emergency preparedness before 9-11, and we will continue to meet the  
7 Commission's high expectations for effective emergency preparedness  
8 and response.

9           This conclude my remarks. Now, I will turn the  
10 presentation over to Jim Wiggins, the Region I Deputy Regional  
11 Administrator. Jim will provide some regional prospective on  
12 emergency preparedness and incident response.

13           MR. WIGGINS: Thank you, Eric.

14           I am happy to represent the four regions in this area and  
15 to discuss how the regions contribute to the agency programs in  
16 emergency preparedness and incident response.

17           As you know, the regions have a key role in both  
18 emergency preparedness and incident response. We routinely  
19 evaluate licensees' emergency preparedness capabilities through our  
20 reactor oversight inspection program. Our baseline inspections cover  
21 both the basic program itself and an evaluation of the on-site part of  
22 license exercises.

23           In incident response , the regions are truly on the front  
24 lines. Our resident inspectors are typically the first to be notified by the  
25 control room operators of plant events. This initial contact with the

1 residents routinely starts a chain of notifications among regional  
2 managers and subject experts.

3           For non-emergency events, the regional event response  
4 is often well underway even before the official headquarters operations  
5 officer notification occurs by the licensee.

6           Resident inspectors are also the NRC's first on-site  
7 responders for these events. Typically, also the regional incident  
8 centers staffed by our managers and technical experts are the first to  
9 be activated. Regional managers led by the Regional Administrator or  
10 the deputies lead the site teams as director of site operations during  
11 expanded activation role in the agency's response protocol. And the  
12 regions will continue to work closely with the headquarters counterparts  
13 in NSIR to assure a continued effective integrated NRC event  
14 response.

15           With that as a background, let me just discuss a couple of  
16 events of examples where the regions have demonstrated our incident  
17 response capabilities. The first one I will talk about will go back to  
18 August 14, 2003, the northeast blackout.

19           As you recall during that blackout, there were a total of  
20 nine reactors, some in Region I, some in Region III, that were affected.  
21 Both Regions I and III activated their instant response centers and  
22 monitored plant status and recovery efforts simultaneously for the nine  
23 shutdown reactors.

24           During this event, the regions and the headquarters ops  
25 center shared information through a common linked

1 telecommunications bridge for management decision-making.

2           This was also, by the way, the first significant event where  
3 the NRC through the ops center here in headquarters interfaced closely  
4 with the Department of Homeland Security.

5           We have heard some already in the presentation about  
6 the hurricanes. The hurricanes this year and the hurricane season was  
7 especially heavy as it has been stated.

8           Regions II and IV demonstrated outstanding performance,  
9 in my opinion, in their response to these hurricanes this season.  
10 Hurricane incident response required close coordination between those  
11 two regions as some of the storms crossed regional boundaries.

12           The regions dispatched additional inspectors to the  
13 affected sites and supported State response activities. And as you  
14 heard, NRC works closely with FEMA to assess the impact of  
15 emergency response capabilities prior to plant restart. Routinely, the  
16 individuals doing that are regional individuals.

17           The regions, led by Region II, completed an incident  
18 response best practices review this summer. And all of us are using  
19 the insights from this effort to enhance our incident response programs.

20           Examples of changes include conducting additional  
21 exercises, improved processes that track the training of our responders  
22 and enhancement of our severe weather procedures.

23           The regions have also developed protocol for ensuring  
24 continuity of incident response if emergency response capabilities are  
25 lost in the headquarters or even among the regional offices. We back

1 one another up.

2 This capability was recently put to a test, not a significant  
3 test, but a test nonetheless, when in our region we had a power failure  
4 in the building that actually affected our telecommunications  
5 capabilities.

6 I was able to get on through a bridge that -- on a phone  
7 that we were able to get working through the ops center. And my  
8 counterpart in Region II, Loren Plisco, and I discussed how we would  
9 handle events. And we had a solid plan going forward that continued  
10 from about 3 o'clock in the afternoon when the problem started, to  
11 about 8 o'clock at night.

12 Fortunately, they were not any plant events to handle.  
13 But we were in a position to handle the events from the full spectrum of  
14 a monitoring approach through expanded activation.

15 And lastly, the regional offices will continue to want to  
16 sustain our high level of response capabilities and we look forward to  
17 working with NSIR's team to better our incident response capabilities.

18 Eric.

19 MR. LEEDS: Thank you.

20 MR. REYES: Mr. Chairman, that concludes our formal  
21 presentation. Before I turn over the discussion to the Commission, I  
22 wanted to recognize somebody here at the table.

23 Dick Wessman, this will be his last formal Commission  
24 presentation. Dick has had a distinguished government career but  
25 especially in the NRC in quite a few roles but the last role was with the

1 Incident Response Center.

2 I just want to acknowledge all the contributions to the  
3 agency and the fact that it has been a pleasure and an honor working  
4 with Dick.

5 MR. WESSMAN: Thank, Luis.

6 CHAIRMAN DIAZ: We join the staff in celebrating your  
7 career and to take this opportunity to thank you for your many  
8 contributions.

9 I know we have been across the table a few times and as  
10 always with some pains when we are dealing with incidents, but always  
11 have been fruitful.

12 COMMISSIONER MC GAFFIGAN: I agree.

13 COMMISSIONER MERRIFIELD: Ditto.

14 CHAIRMAN DIAZ: All right. Now, let's go forward here. I  
15 am going to forget that you are going to retire.

16 (Laughter)

17 CHAIRMAN DIAZ: Let me just take a minute here,  
18 because there is a tremendous amount of information. And the reality  
19 is that I don't remember that we ever had a meeting that dealt with  
20 emergency preparedness. And there are many good reasons.  
21 Specifically, because we are always dealing with it in some different  
22 form.

23 And I think the Commission wanted to make sure that we  
24 were kept informed of all the work you are doing, but also want to make  
25 sure that the stakeholders realize that significant changes have taken

1 place.

2 In that regard, let me just backtrack and go back 25 years,  
3 and then go in between and go to now.

4 There is no doubt that we probably -- by any assessment,  
5 we were not very, very ready to deal with Three Mile Island. And we  
6 were not ready in the way that the Commission functions. We were not  
7 ready in the way we communicated. The issues -- we were shocked.

8 And at that time, tremendous changes took place. But we  
9 didn't have either the technology nor did we have the information that  
10 we have today.

11 I think that the Commission changed. We reorganized in  
12 1981. The President proposed and the Congress enacted a change to  
13 make sure that command and control was established inside the  
14 agency. So, the emergency powers were assigned to the Chairman,  
15 and the Chairman can delegate to any one of the Commissioners or to  
16 the EDO. Much has happened since then.

17 But, you know, the reality is that although that was the  
18 accident in the nuclear power plant that really required the mobilization  
19 of the nation's resources, since TMI there has been hundreds of times  
20 in which there has been an incident where a source got lost, where an  
21 alarm was sounded, where the steam generator leaked.

22 So we have continued to improve systematically, slowly  
23 but surely incorporating both technical and personnel improvements  
24 into the way we respond and at the same time, the way that emergency  
25 preparedness gets handled, because these two things in many ways

1 they should support each other.

2 I think 9-11, in many ways, is the other side of TMI in  
3 which although nothing happened at a nuclear power plant, it happened  
4 to the nation in a manner that we have to reassess how we dealt with  
5 incident response and emergency preparedness.

6 And as a result of that, the Commission has been bringing  
7 cohesion to the organization, has been bringing parts that were  
8 sometimes separated because they occur naturally that were in the  
9 reactor or here or there. And now we have put them together in the  
10 regions. We have actually increased our focus on how we responded,  
11 how tight the personnel and the licensees work together.

12 Right now we are at a point in which we all realize that  
13 emergency preparedness incident response are tied in not only to the  
14 way our licensees function but to the way that the nation functions. And  
15 so, we are now working in a different environment in which practically  
16 before the NRC was almost by itself having -- or, one of the few  
17 agencies that had really an ongoing practicing forward emergency  
18 response outside of FEMA.

19 It brings me then to the question that somebody that is not  
20 really familiar with all of the things will ask, and that is in between these  
21 two events, let's call it, the TMI and what happened in 9-11, the  
22 question always comes up how, do we deal with an accident that  
23 happens and develops slowly in a reactor in a manner that is -- not that  
24 it is controlled but is a manner that is evolving and we have indications.  
25 And how do we deal with a terrorist event in which the incident

1 develops -- the incident itself is fast, is more unpredictable, and we are  
2 making assurance to the public that we can deal with both of those  
3 things.

4           Mr. Leeds, will you take a minute and tell us how do we  
5 deal with these two different things in a manner that as you stated, the  
6 emergency planning basis remain valid and we are protecting the public  
7 health and safety?

8           MR. LEEDS: Mr. Chairman, the difference and how do  
9 we handle two different types of events, what we originally anticipated,  
10 as you said, the slowly developing event, an event that would progress  
11 in a step-wise function as opposed to a terrorist event, where an event  
12 could occur and you could see something that would cause as much  
13 destruction as possible in a short period of time.

14           Basically, in both of these events we found that from an  
15 emergency preparedness perspective, you have enough time, there's  
16 enough time for the control room operators, for the staff at the licensee  
17 to alert the off-site response organizations, make a protective action  
18 recommendation, get the folks who need to know the information such  
19 that they can respond.

20           In a slowly developing event, of course, it's going to  
21 progress in a much slower fashion over the course of hours, as we  
22 talked about with Three Mile Island.

23           In a terrorist event, although activity needs to take place in  
24 a quicker manner, we found that the probability of a release, the idea of  
25 something impacting the public still can't progress faster than the

1 system that we have in place. We have a system in place such that the  
2 physics of the reactor are not going to change. We still can get what  
3 we need to do done to protect public health and safety.

4 So the difference -- and I hope I'm answering your  
5 question. The difference is that the scheme is there and will work for  
6 both events. For terrorist event, the biggest change for us and for the  
7 off-site responders is that we need the licensees to react quickly, get us  
8 the information both to the off-site responders and to the agency so that  
9 we can take appropriate actions.

10 MR. REYES: I think in a short summary, the key  
11 elements that we have, serve for both. In other words, the emergency  
12 action level initiation, whether it's a mechanical event that goes slowly  
13 or fast event that's from a terrorist act, and those classifications, that  
14 concept works for both. The communications to notify agencies off-site  
15 is the same for both.

16 So the infrastructure that we have, both the licensee and  
17 the regulatory bodies, local governments, is the same. It has to be  
18 handled slightly different but the backbone of making sure the response  
19 is there is very similar. Each one of them has to be handled different,  
20 though.

21 CHAIRMAN DIAZ: I do agree that from the standpoint of  
22 a radiological releases, we have good reason to believe that they will be  
23 bounded. However, the manner to deal with -- and I'm going to use  
24 now, one of Commissioner McGaffigan's favorite postulate which is you  
25 might not have the operators in there.

1                   What redundancies do we have in the systems to be able  
2 to deal with the proper notifications? How do we actually go about, in  
3 simple terms, to notify the proper authorities to get the proper  
4 infrastructure activated?

5                   MR. MAMISH: Through our work with the Division of  
6 Nuclear Security and licensees, the force on force exercises, we  
7 observed all of these exercises that took place. And did note that  
8 things are slightly different in the beginning and at the end of a potential  
9 terrorist attack.

10                  And what we have seen is that there may be some  
11 communication challenges between the control room that are affected.  
12 And we have worked with the industry, we have communicated some of  
13 these issues to the industry, we issued a RIS, a Regulatory Information  
14 Summary, that articulated to the licensees, not only the need to make  
15 an immediate notification to the NRC so that we can get the word out in  
16 the event that we have a coordinated attack, but we have also  
17 communicated some of these challenges like backup procedures,  
18 notification procedures, like the need to have local law enforcement  
19 agencies from close by jurisdictions to have mutual agreements, aid  
20 agreements.

21                  We are also engaged with the industry to develop  
22 terrorist-based drills. The industry -- we have met with industry several  
23 times. The industry has recently sent us a letter indicating that they are  
24 interested in doing the same, although they have their own exercises  
25 in-house.

1           They are interested in doing a pilot program with us. And  
2 so, we are looking at sometime next year to begin this pilot program  
3 with the industry where we would actually go out to half dozen sites,  
4 observe these drills and then reassess whether licensees have all the  
5 procedures that are needed that you discussed, backup procedures for  
6 notifications, security, operations, EP interfaces.

7           MR. WESSMAN: Chairman, I would like to supplement  
8 also some of the work that the staff has done to improve NRC's  
9 capability to respond to a faster moving situation.

10           For example, we now have the satellite telephone  
11 capability if the existing land-based phones are not working. Of course,  
12 most everyone has cell phones and things of this nature. Selected  
13 individuals have secure telephones for the classified communications  
14 that might come as part of a terrorist type of event.

15           And finally, we have the capability in our operations center  
16 to do what we called a blast dial. And that means we can contact large  
17 groups of licensees simultaneously to alert them in the case of a single  
18 terrorist event being part of a coordinated terrorist attack at multiple  
19 facilities.

20           So I think our response capabilities have improved and  
21 we are looking further down the road in some of our information  
22 technology to improve the notification and call-out capability for the  
23 technical staff that might help respond to an event.

24           CHAIRMAN DIAZ: But in the -- like quoting  
25 Commissioner McGaffigan, in the -- have we now established

1 procedures and systems that are able to cope with the time demands  
2 that could occur in the low probability of terrorist attack, are we there?  
3 How much more do we -- I know we have plants. How much more do  
4 we have to go? Where are we in the communications?

5 COMMISSIONER MC GAFFIGAN: Mr. Chairman, I can  
6 sense some discomfort in the staff. We are going to have a closed  
7 meeting next month and to talk about some of the stuff.

8 CHAIRMAN DIAZ: But this is without getting into  
9 sensitive information. I think the staff should be able to say, yes, we  
10 have improved or we are in the planning process. Where are we?

11 MR. LEEDS: Mr. Chairman, I will take that one for a  
12 moment.

13 I think we have made tremendous progress. I think we  
14 have more progress to make.

15 You have mentioned what if the operators are not  
16 available in the control room. Well, we have alerted the industry to  
17 think about that type of a contingency. We have learned a lot from our  
18 force-on-forces.

19 We said, all right, if the operators can't, then the security  
20 force needs to be able to alert the off-site response organizations.  
21 What contingency plans have you made? That's the beauty of the  
22 emergency plans, the flexibility, the ability to adjust as we learn more.

23 As I said, we are learning an awful lot from the force-on-  
24 force exercises. There's a very strong security operations EP interface  
25 there. And because of those, we get lessons learned.

1           We fed a number of those back to the industry in our  
2 Regulatory Information Summary that I know you are all aware of.

3           But as we do more of those, we expect to learn more.  
4 And as we learn lessons, we will get that out, communicate it in a  
5 number of forums, will communicate it, as I said, through our generic  
6 communications.

7           We also communicate to the industry through working  
8 groups that we have. We have an emergency preparedness working  
9 group with NEI. And as I have mentioned in my discussion, we are  
10 really putting a lot of emphasis with outreach. We have been attending  
11 meetings with the licensees and State and local officials and FEMA.

12           We are all getting together with all the affected parties and  
13 discussing some of these issues.

14           I hope that responds to your question, sir.

15           CHAIRMAN DIAZ: We are getting close.

16           We have talked about this top to bottom review that you  
17 are going to be finished by next year. Again, the issue comes that of  
18 course, we do consider a terrorist event to be a low probability event.  
19 And when you do the top to bottom review, you are going to have to  
20 consider the spectrum of events from the TMI type event to all of the  
21 other events that we are dealing with.

22           And in doing so, you are going to have to provide some  
23 balance that deals with the more probable type of event that we have  
24 seen through the years. TMI was a unique one, luckily, the only one.  
25 But we are going to have to be able to be responding to this events in a

1 manner that we also establish the public confidence that we are  
2 capable of handling those things.

3           You talk about communications with the industry and local  
4 authorities. We also obviously need to do some communications with  
5 the public.

6           Now, in this top to bottom plan, when do you believe that  
7 that will be available and what can we expect from it?

8           MR. MAMISH: Chairman, we are going to be looking at  
9 the 16 planning standards to look at enhancements. We are not  
10 looking at any overhaul of those standards. As Eric pointed out earlier,  
11 the emergency preparedness basis does remain valid.

12           So we are looking at enhancements in the standards.

13           We are looking at reconsidering sheltering as an option in  
14 some of the terrorist based scenarios.

15           We are also looking at the 50.54Q process which is the  
16 equivalent of 50.59 changes that is a requirement in the regulations that  
17 allow licensees to make changes to their emergency plans without  
18 coming to the NRC as long as the effectiveness of their emergency plan  
19 is not impacted.

20           So there are a number of issues that we are going to be  
21 reexamining for potential enhancement.

22           As far as timing, Chairman, I don't believe it's going to be  
23 my time in the next couple of months. It will be sometime next year.

24           MR. REYES: Let us give you the schedule but it is next  
25 year. We don't have it with us. We have to give you the schedule on

1 the progress we have but it will be 2005.

2 CHAIRMAN DIAZ: Are you considering including  
3 analyzing the recommendations of the Inspector General regarding  
4 emergency response?

5 MR. MAMISH: Within the 16 planning centers, we  
6 certainly would consider that, Chairman. But I believe that --

7 MR. WESSMAN: If I may comment on the IG activities.

8 You recall, of course, that the IG did an audit that took  
9 over six months and concluded with a report in September of this year  
10 and they gave us 17 recommendations. Actually, they gave us 16 and  
11 one of them was our own.

12 I think we had a very good working relationship with the  
13 IG auditors as they looked at the incident response activities both here  
14 in headquarters and in the four regions.

15 We then developed our reply and commitments to the IG  
16 on how we expected to go forward dealing with the 17  
17 recommendations, all of which we agreed with, and many of which were  
18 things that we had identified that we knew we needed to work on,  
19 where the regions had made suggestions to us as part of their regional  
20 best practices activity.

21 Many of these are unfolding as part of the task group  
22 effort led by Susan Frant to help improve our overall effectiveness of  
23 emergency response.

24 A couple of the highest priority ones that we are focusing  
25 on are those that are associated with the development of the NUREG-

1 0728 and the management directive dealing with the incident response  
2 planning and the incident response program itself. And these are  
3 necessary to meet Federal commitments in support of the National  
4 Response Plan.

5 But they are all tracked. They have been assigned to  
6 either individuals or teams. We are looking at them on a prioritization  
7 process with consideration of resources and recognizing that some of  
8 them will be captured as part of Susan Frant's effort.

9 Some of them, we have actually done work on already.  
10 For example, one of the findings concerned feedback to incident  
11 response individuals or a self-assessment process. And we did a little  
12 pilot work in that area on the Cooper exercise and will continue that  
13 process.

14 So, seeking to move well on those IG findings.

15 CHAIRMAN DIAZ: I think Susan --

16 MS. FRANT: I don't have much to add, Chairman --

17 Susan Frant -- to what Dick Wessman has said, except to say that we  
18 have a crosswalk from the IG, the 17 recommendations in our  
19 improvement initiatives. And we have made sure that we have  
20 captured every one with a schedule, and as Dick said, it has either  
21 been assigned to somebody or it is assigned within a category of the  
22 improvement initiative.

23 So we are making sure that every one of them is  
24 addressed. And by the time we finish all of the ten categories of  
25 initiatives, we will have responded to all of them and then some.

1 CHAIRMAN DIAZ: All right. Very good.

2 Last question, you talk about training and upgrading the  
3 training and qualifications of our staff to be able to deal with  
4 emergencies. Can you elaborate a little bit on what do you mean by  
5 enhanced training, what are we doing? You talk about different teams,  
6 how will they enhance our capabilities?

7 MR. LEEDS: Yes sir. Susan.

8 MS. FRANT: Well, this is one of the major initiatives in  
9 our improvement initiative. And let me say that is no small chore,  
10 because we are looking at all the response teams including the regional  
11 response teams.

12 We started with the reactor safety team, the protective  
13 measures team and the executive team. And we are looking at what  
14 the essential functions are. Then we are taking that and looking at  
15 whether we have the right people at the table in the room to do those  
16 functions and then how we would qualify those people.

17 We have made a great deal of progress, I think, on the  
18 reactor safety team and the protective measures team. We still have a  
19 lot to do with the other teams.

20 We are working with the ERC's emergency regional  
21 coordinators. They are looking at the regional teams, both the base  
22 teams and site teams. The whole essence of our effort is that we will  
23 have it all phased in, and I think by next time this year, we will have  
24 qualified all the teams that we are talking about, region and  
25 headquarters.

1                   MR. REYES: I wanted to add that we have always had a  
2 training program for our emergency responders. And we have always  
3 had qualified people whether it was reactor, safety, security, health  
4 physics, chemistry.

5                   But we are now taking a real review to make sure the  
6 process we have is really structured. That, in fact, for the duties of  
7 each individual that we have the right skills and therefore, the right  
8 training in every position.

9                   So what Susan is doing is a very detailed review.  
10 Something that supplements what we already have.

11                  CHAIRMAN DIAZ: All right. Very good.

12                  Commissioner McGaffigan.

13                  COMMISSIONER MC GAFFIGAN: Well, why don't I stay  
14 with this.

15                  I do think that this is important, but let me ask a couple of  
16 questions. I think the Commission has talked about this. I talked about  
17 this with some regional administrators sometime ago. And this is very  
18 much driven by the Commission, not by the IG.

19                  But as you think about these teams, are you thinking  
20 about -- and I'm assuming that we have gotten ourselves in what  
21 Secretary Ridge would call an incident of national significance, probably  
22 not much has happened yet but could happen.

23                  Who goes to the Homeland Security Council to the Sit  
24 Room to aid the deputy's committee as it sits and does things? The  
25 deputy's committee, I'm told, ran the NASA shuttle re-entry sometime

1 back and the President was on the phone with Governors of various  
2 States rapidly. And who goes to the Homeland Security operations  
3 center to augment them? What tools do they have to bring with them,  
4 depending on the type of reactor?

5 Do they have -- you send the person down with what's in  
6 their head but visuals are sort of important. Do you have visuals for  
7 them to take with them to HHSC and to Homeland Security to the Sit  
8 Room so that they can, you know, properly inform various senior  
9 government officials?

10 MS. FRANT: Let me speak a little to it and then Dick.

11 One of the things we have done is we have gone to a lot  
12 of other ops centers including Homeland Security, FAA, military  
13 installations and looked at how they handle it. We have been working  
14 with Homeland Security to decide who needs to be there.

15 You know they have an inter-agency incident  
16 management group. Who would go there.

17 We have pre-stocked, if you will, the Homeland Security  
18 operations center with a lot of pieces of information. We do have things  
19 on disks that are in a go kit. So we have looked at that short term.

20 Longer term, we have to look at the executive team, its  
21 function, and how the executive team director, the Chairman or one of  
22 the Commissioners would delegate who would go and where they  
23 would go to, because now we have many more players including  
24 Homeland Security. So we have the White House that was always  
25 there, but we now have Homeland Security Council and Homeland

1 Security.

2 COMMISSIONER MC GAFFIGAN: White House and  
3 Homeland Security Council are the same, but the Homeland Security  
4 operations center and this incident management team –

5 MS. FRANT: And we have a duty roster, and we have  
6 SES managers trained to go to the inter-agency management groups.  
7 So we have looked at the short term.

8 Longer term, we have do more work on the executive  
9 team's operations.

10 COMMISSIONER MC GAFFIGAN: I think you need to  
11 think about this stuff and we need to continue to play at it in exercises.  
12 Because clearly, the executive team, we have done good things. I  
13 mean, we can absolutely sock the executive team with more  
14 information than they can possibly handle given all the  
15 telecommunications.

16 COMMISSIONER MERRIFIELD: Well, I don't know about  
17 that. Speaking on behalf of the Chairman, I don't think that's --

18 COMMISSIONER MC GAFFIGAN: I think we are at a  
19 capability than any human being whoever has lived, including Albert  
20 Einstein and Richard Feynman, could deal with in very short periods of  
21 time. And so, we do have to think it through, but there is an  
22 expectation, and it permeates a lot of these government planning  
23 documents, that Secretary Ridge and Ms. Townsend are going to be  
24 involved very rapidly and need to be very well informed.

25 And I think the Indian Point exercise was the closest we

1 ever came to having very senior officials of HSC playing in our exercise.  
2 I think FEMA has always been good about having senior officials play.  
3 But I don't believe to this day that we have ever had the Homeland  
4 Security Council or its predecessors play in a exercise in the realistic  
5 way that they do play.

6           And getting all that to work is -- I think we have to think  
7 about it in advance because nobody else will. And we are an institution  
8 that has a fly wheel, because we don't change as frequently as the  
9 other agencies do in terms of our personnel.

10           So we can build up institutional memory and we can help  
11 educate them in a crisis as to this is what we think the procedure is.  
12 And we will get you somebody. We will have somebody down there in  
13 20 minutes.

14           But I think we have to think it through, because  
15 everywhere else we have people rotating fairly rapidly and not a lot of  
16 institutional memory has happened.

17           I mean, I will play, if you want, in one of these darn  
18 exercises so long as the other Commissioners do. I will pretend to be  
19 Fran Townsend. And wait until you see how I expect information for my  
20 President and I need to get a press release out and all this.

21           I want to say, we do better than any other agency in terms  
22 of having very senior officials think about these things, go through the  
23 things, learn lessons. All of us have been through a lot of these  
24 exercises. But as the Chairman says, they still don't capture the  
25 inter-agency fog of war, especially with the new actors that we have

1 happening.

2 The good thing is we built these plants so well that we will  
3 have time. And a lot of this is going to be to try to slow down, we are  
4 okay, that yes, this is situation. And we are staffing up. You have time  
5 to staff up. You don't have to make an announcement in the next five  
6 minutes.

7 But we need to practice that.

8 MR. WESSMAN: Commissioner, if I could supplement a  
9 little bit. We have made some progress in this area and there is more  
10 to be done.

11 Commissioner Merrifield may recall in TOPOFF 2 that we  
12 had Secretary Ridge, I believe, participating. And I think that was a first  
13 for DHS. And that stimulated all the federal agencies.

14 COMMISSIONER MC GAFFIGAN: I think that was  
15 excellent.

16 MR. WESSMAN: Yes, it was. It was very precedential.

17 MR. MCGAFFIGAN: That was the most realistic exercise  
18 that we have ever been involved in because it did involve top officials.

19 Too many of our exercises, both with the States -- we are  
20 dealing with radiation protection officials and with other agencies. We  
21 are dealing with folks -- I mean, in my most recent exercise -- I think it  
22 was my most recent --

23 COMMISSIONER MERRIFIELD: Can I add one thing?

24 We also -- I think there has been a little bit more practice.  
25 We had the TOPOFF. We have actually had two TOPOFFs so far.

1 The second one was obviously much more involved than the first. We  
2 did have the transition to the Y2K, which was significant inter-agency  
3 Federal involvement.

4 And I would note about a year and a half ago, we did  
5 have the events of August 14th, the blackout, that did involve a  
6 coordinated phone call under the auspices of the Homeland Security  
7 Council. And that was headed by some folks downtown. And I was on  
8 the phone, there were cabinet level folks on the phone.

9 So there has been, I think, perhaps a slight bit more of  
10 that than we sort of sit down and think through. We have had a bit of it.

11 COMMISSIONER MC GAFFIGAN: A lot of it are  
12 artificialities because the event that I'm thinking of was in the southeast.  
13 And some of the radiation protection officials got their noses out of joint  
14 because we assumed the Governor might want to know whether the  
15 NRC concurred in the protective action recommendations or not.

16 It strikes me that the only event we ever had Governor  
17 Thornburgh was very interested in NRC's protective action  
18 recommendations and whether the two staffs were aligned and all of  
19 that. There was, in that exercise, we are sitting there in the executive  
20 team and we discovered some low-level USDA official had gotten way  
21 ahead of the States in terms of dealing with food stuffs.

22 We didn't even have any radiation coming out of the plant  
23 yet. And we were scratching our heads saying how does that work.  
24 And I don't know whether that's every been solved, whether you all  
25 every found out -- but it strikes me that -- you know, when I show up at

1 an exercise, the first thing I want to know is what is the standard  
2 operating procedure at that site.

3 It isn't rocket science. It's 63 sites, 2 CAT One facilities  
4 and some major fuel site facilities. We are talking less than 70 sites,

5 And it just strikes me we should know what the standard  
6 operating procedures are. Pennsylvania, somebody mentioned earlier;  
7 Vermont Yankee, I have done one there as well as Commissioner  
8 Merrifield. And you discover that at --

9 MR. WESSMAN: At the alert level they will do school  
10 evacuations.

11 COMMISSIONER MC GAFFIGAN: Schools -- parks, yes.  
12 Long before there is an emergency. The same was true at Nine Mile.

13 And we discovered that they were doing all sorts of stuff  
14 at a very early stage. And that was their standard operating procedure.  
15 We just have to understand it.

16 I do think that there is work that could be done to try to  
17 standardize. We are a Federal system and the States are closest to  
18 the people and all that. But I think we can standardize some of these  
19 standard operating procedures around the nation to the extent that it  
20 would be easier on folks.

21 I mean, you're sending high-level officials off to various  
22 places. And they are going to have to explain the politics of that State  
23 to the decision makers at HHSC or DHS -- or HSC. Hopefully, you can  
24 do that.

25 But I'm not sure how many folks have that information in

1 their heads. Why are we dealing with the judge here in Texas. Well,  
2 sir, that's the -- so I think there's more to be done. There are 60-odd  
3 sites. We can really do -- have an expert about all of this for each site  
4 or expert system, if it isn't a simple expert.

5 MR. WESSMAN: Well, if I can add one other comment.

6 I think we are making progress in this direction. For  
7 example, Region III recently in the move of their building and the  
8 development of their regional incident response center has acquired on  
9 compact disk all the licensee plans and State and county plans. So  
10 now these are effective to use on electronic bases and can be moved  
11 around.

12 We are working with that same example to reach towards  
13 the other regions and towards our own organization here, so we are not  
14 bound by paper copies and things that may be old.

15 We have been reaching out, both Roy and myself,  
16 towards DHS to have a cell or a small group of players, if that's all we  
17 can get them to commit to, to participate in some of our exercises.

18 We did a little of that at Indian Point, as was mentioned.  
19 We sought to do that for the Cooper exercise, and we had to supply our  
20 own cell because of other resource demands that they had.

21 So, the initiative is there. We certainly hear your  
22 message, sir, and are trying to keep working forward on these  
23 concepts.

24 COMMISSIONER MC GAFFIGAN: As I say, I think you  
25 have to work it out with these other agencies.

1 MR. WESSMAN: Sure.

2 COMMISSIONER MC GAFFIGAN: Something  
3 happened -- when was the Tokai event? Was that late '98.

4 MS. FRANT '99.

5 COMMISSIONER MC GAFFIGAN: And I remember I was  
6 acting that day. It was a Friday -- I think it was a Friday. And as the  
7 day went on, we were trying to communicate with the White House.  
8 And we were choosing OSTP.

9 We were not in charge under the plan. EPA was in  
10 charge but the fellow was off that day, because it was a Friday. And,  
11 you know, Secretary Richardson who was off in Moscow -- issued some  
12 statement because his ops center at -- wherever they are, decided they  
13 were in charge even though they weren't in charge. And we had a one  
14 voice initiative after that. We sort of all gently tried to say let's figure out  
15 what the rules are here.

16 The Japanese turned down the sort of gratuitous offer that  
17 came from the two energy secretaries sitting in Moscow. But it was not  
18 government at its best.

19 I was on the phone to EPA asking them to please be in  
20 charge. You are supposed to be in charge. We are ready to help. We  
21 are getting a lot of calls. And let's figure out what, if anything, we need  
22 to do here.

23 That would not happen today because we have a  
24 Homeland Security Council. That would absolutely not happen. It  
25 didn't happen in the NASA shuttle disaster because we had Homeland

1 Security Council by that time.

2 But I do worry about people making up rules as they go  
3 along. That happens a lot.

4 MR. ZIMMERMAN: Roy Zimmerman. Good afternoon,  
5 Chairman, Commissioners. I think you are on a very important point. I  
6 just want to supplement what has been stated. We are all about  
7 continuous improvement and that's really what we are talking about.  
8 We want to be doing more state outreach.

9 We recognize from the exercises that we have conducted  
10 that more can be done in that area. And as you have heard, that is  
11 what our plan is, additional state outreach, so that we better understand  
12 the individual makeup of the states and what is special or different  
13 about that state, so that we can learn it; they understand more about  
14 us.

15 The Department of Homeland Security being a relatively  
16 new organization, we have outreached to them, we have held table tops  
17 with them to understand in this type of event, whether it's radiological --  
18 we went down two different paths, radiological and security. How would  
19 you see yourselves, what would your role be in this? So that we made  
20 sure that our role was clear, and their role was clear. We did it both for  
21 a straight safety radiological event and then for a security initiated one.

22 COMMISSIONER MC GAFFIGAN: How high level?  
23 Because Secretaries have a way of making up their own rules.

24 MR. ZIMMERMAN: It went into the Secretary's office.  
25 Bob Stephen was in the Secretary's office at the time. So that was

1 very, very beneficial for us to be able to do that. FEMA was there at  
2 that activity as well.

3           Setting up the cells with DHS is something we don't want  
4 to go back from. We want to continue doing more, make these as  
5 realistic as possible. So we try to work with DHS far in advance of  
6 when our exercise is planned to let them know months ahead of time,  
7 we have a full participation exercise coming up. We really would like to  
8 see several cells set up in different areas. We would like you to play  
9 aggressively with us. So we bring as much realism as possible to what  
10 we would expect in a real event.

11           We are going to continue doing that. We want to, again,  
12 be moving forward with the State, Federal partners and drive this to as  
13 great a realism as possible.

14           NORAD is another area. The Chairman asked earlier  
15 about procedures that are in place.

16           We have required licensees to put procedures in place for  
17 dealing with imminent attacks, whether they be by land, by water, by  
18 air. And we have been practicing with NORAD with the licensees and  
19 having phone calls with NORAD, NRC on the phone and with the  
20 licensee on the phone; the operators are being in control room. How  
21 quickly something can occur so that the operators get familiar with  
22 NORAD's terminology and are able to implement those procedures that  
23 we require be put in place a couple of years ago.

24           COMMISSIONER MC GAFFIGAN: Can I ask, do you all  
25 have a time line for call out? I know the Chairman can be there in five

1 minutes. So you have two operators and the Chairman in the ops  
2 center. But at night time, what is your standard for the people showing  
3 up?

4 MR. WESSMAN: There is a difference between showing  
5 up and having them there by phone. The nominal expectation for  
6 showing up could be as much as an hour from the time that we put out  
7 the call.

8 On the other hand, we expect to be able to put senior  
9 decision makers on the phone within a couple of minutes. One of the  
10 things we are working on in the improved notification system would be a  
11 capability blast dial, a collection of senior decision makers, blast dial the  
12 right regional people and this sort of thing.

13 So we are talking minutes from a telephone  
14 communications. But people have to come from wherever they are on  
15 Saturday afternoon to come into the center. That could take an hour or  
16 so.

17 COMMISSIONER MERRIFIELD: Dick has used this term  
18 "blast dial." In putting on my plain speaking hat, I will help explain what  
19 that means.

20 I happened to be on an exercise in which this new feature  
21 was tested. You may have been as well. But this feature was  
22 automatic dialing. I remember sitting there, I was having dinner with my  
23 family. And every phone in my house, including my cell phone, went off  
24 all at the same time, a somewhat horrifying experience. Fortunately, I  
25 had swallowed the food when it all went off quite quickly.

1                   And very quickly after that, there was an assembled on  
2 the bridge. I was the ET leader for the purposes of that particular one.  
3 There was a large number of people on the phone, very, very quickly.

4                   COMMISSIONER MC GAFFIGAN: One of the problems  
5 is figuring how many people you need on the phone. Chairman and I  
6 were on the phone call one Sunday. I was at Comp USA dealing with a  
7 computer issue and you were wherever you were and that was one we  
8 learned from. There were more people there talking about more things  
9 than we needed.

10                  MR. REYES: One of the things we need to remember in  
11 terms of reporting to the ops center, you don't need every position filled  
12 to start working. So we have identified critical positions.

13                  COMMISSIONER MC GAFFIGAN: Given NSIR work  
14 hours you probably --

15                  MR. REYES: We always have people here in the building  
16 seems like. So we can activate pretty quickly.

17                  MR. ZIMMERMAN: If I can add an item. We do  
18 periodically do call outs to make sure that we can reach people and  
19 also ask those individuals how much time before they would actually be  
20 able to show up in the operations center. And many of us are able to  
21 arrive in 15 or 20 minutes.

22                  So we do have folks that live further away. I'm thinking  
23 that Mr. Wessman may be one of those people in the right lane when I  
24 am in the left lane that I look at as I drive by in terms of how quickly we  
25 can get here.

1                   COMMISSIONER MC GAFFIGAN: You mentioned 50.54  
2 and I thought about 50.54X. And 50.54X is a very powerful provision  
3 that allows the licensee to take reasonable action that departs from a  
4 licensed condition or technical specification, contained in the license, et  
5 cetera in order to protect public health and safety. Then 50.54Y says  
6 "licensee action permitted by paragraph X of this section shall be  
7 approved at a minimum by a licensed senior operator or the nuclear  
8 power reactor facility for which" -- that is if it is already shut.

9                   But do you envision 50.54X actions in emergencies?

10                  MR. REYES: Perfect example, when Hurricane Andrew  
11 went over Turkey Point, they had no choice but to use 50.54X to deal  
12 with some of the unexpected situations. And we dealt with that very -- it  
13 was not a problem. We were in communications. They tell us the  
14 situation. They assess what the safety --

15                  COMMISSIONER MC GAFFIGAN: What does, at a  
16 minimum, senior reactor operator mean, if you were in one of these  
17 abort situations where possibly, at least the crew that's there has not --  
18 isn't functioning at the moment? Could it be an off-site licensing  
19 operator? Or could it be somebody who is in a different building who is  
20 maybe once was a senior reactor operator, now is the VP for  
21 operations? What do those words mean?

22                  MR. REYES: We have not been faced with that situation.  
23 But I think the regulations refer to knowledge, know where physically  
24 they are located.

25                  What you are getting into is you have an unexpected

1 situation not envisioned by either the tech specs or their procedures  
2 and you have to deviate for good safety reasons. You want to make  
3 sure there is a decision.

4 All the ones that I'm aware of not only do they make the  
5 decision, we were also informing parallel as they were doing it. They  
6 said we have this situation, we are planning to do this. We think it is a  
7 safer thing to do. Do you have an objection or a concern?

8 We were on the line. We had our own experts. We all  
9 agree and moved forward.

10 As far as I know, typically, we have dealt with those in  
11 natural events such as hurricanes.

12 COMMISSIONER MC GAFFIGAN: You may want to  
13 think about 50.54X in security-induced events as well and make sure  
14 people understand what authority they have.

15 It sounds like it is well understood. That at least in places  
16 where hurricane induced-events occur, people understand that they  
17 really do have a flexibility to do the right thing. That there is this  
18 provision that's been there since -- it's a very old provision that -- it's  
19 post TMI?

20 SPEAKER: Yes.

21 CHAIRMAN MC GAFFIGAN: Well, it's a good provision.  
22 It's a good provision.

23 MR. REYES: One of the things that has been done  
24 recently in the upgraded security plan is that as a result of the feedback  
25 of this situation with hurricanes and security equipment, there are

1 provisions now in the new security plans to deal with that, too, if are you  
2 talking about security

3 COMMISSIONER MC GAFFIGAN: Okay. Thank, Mr.  
4 Chairman.

5 CHAIRMAN DIAZ: Commissioner Merrifield.

6 COMMISSIONER MERRIFIELD: Thank you, Mr.  
7 Chairman.

8 We did have -- the Chairman and I had an opportunity last  
9 week to go down to the Incident Response Center. And we had a very  
10 good presentation from the staff about some of the new technological  
11 capabilities available to us as well as some of the enhancements to the  
12 reactor safety team, protective measure teams and their ability to  
13 advise the executive team on how these incidents should be managed.  
14 And I have got two questions coming out of that.

15 I think this comes from Roy's comment about the desire to  
16 have continuous improvement.

17 It strikes me that dating on the time when I first got here,  
18 much of the equipment and our efforts in the Incident Response Center  
19 did date back to the big effort that was made post TMI that enhanced  
20 our capabilities. Because of 9-11 and some monies that we had  
21 available, we made, I think, an enormous jump in terms of that  
22 capability from where we were.

23 And so, based on that, I'm wondering if we have got a  
24 plan to build in that continuous improvement so that we are looking at  
25 that down the road, not on a once every ten year, fifteen year basis, but

1 really looking at it on a yearly basis to say, are there areas where we  
2 can make improvements? I would trust it has been talked about in the  
3 visits that Susan Frant and others are making. But have we locked in a  
4 process to make sure that that is built into our reviews?

5 MR. LEEDS: Commissioner, we talked about that. We  
6 have not locked it in yet. We need to do that. We thought about it. We  
7 need to make it part of our yearly op plan and -- we need to do it, sir.

8 MR. WESSMAN: We are headed in that direction. One  
9 of the IG findings concerned a self-assessment process and are we  
10 going to assess the regions. Well, in turn, should the regions assess  
11 us? Well, yes, of course. We need to always share our best thinking.

12 So we know we are headed in that direction.

13 COMMISSIONER MERRIFIELD: I appreciate that.

14 I guess I heard a little bit today -- and I appreciate Susan  
15 leading a team to go out and take a look at what some of our Federal  
16 and State counterparts do in emergency planning in their incident  
17 response.

18 It strikes me that like utilities, I think, we need to look  
19 beyond our typical framework, recognizing that we oversee -- while we  
20 oversee 103 operating power plants, there are in excess of 330 outside  
21 of the United States that we don't.

22 I'm wondering, are we aware of any efforts either under  
23 the auspices of the Nuclear Energy Agency or the International Atomic  
24 Energy Agency to identify best practices among regulators for specific  
25 capabilities of incident response centers?

1 MS. FRANT: I don't know that this completely answers  
2 your question, Commissioner, but Malcolm Crick at IAEA has been  
3 leading an effort to look at how incident response is done in other  
4 countries. Mostly his effort is aimed at looking at doing assist visits and  
5 raising up some of the less developed programs to the standards of the  
6 more developed programs.

7 But in talking to him, a lot of the things that we are doing  
8 are advanced in terms of other countries. But there are bits and pieces  
9 and we have talked to the Japanese and to the French and to the  
10 United Kingdom. And we are going up to see the Canadian -- just for  
11 many reasons partially because they have just totally overhauled their  
12 Incident Response Center and also because we have agreements with  
13 them to share information about plants on the border.

14 CHAIRMAN DIAZ: But the answer is yes, both IAEA and  
15 NEA have a program specifically designed to look at how to improve  
16 emergency preparedness.

17 COMMISSIONER MERRIFIELD: Thank you, Mr.  
18 Chairman.

19 I guess would editorialize here under the auspices of the  
20 utilities that we regulate, the Institute for Nuclear Power Operations  
21 celebrates utilities that have elements which are considered the best of  
22 the best.

23 And while we should be very good in hopefully most  
24 everything, I clearly think that from my personal standpoint, incident  
25 response and our efforts in this area should -- our goal really should be

1 and our vision should be to be the best of the best.

2 I want to go back to slide number 29 regarding emergency  
3 preparedness licensing efforts.

4 Eric, in your slide, you talked a little bit about the activities  
5 underway in the early site permitting relative to the review of the  
6 Dominion/North Anna site, Exelon/Clinton site and the -- there is a typo  
7 here -- the Entergy/Grand Gulf site. That focuses on reactors and sites  
8 at which there are currently emergency response plans. So the  
9 framework for the review activities of your staff has a greater degree of  
10 boundaries.

11 How have we prepared or alternatively, how are we  
12 preparing to conduct our review of emergency response plans if we  
13 were to receive an application for a greenfield site? And how would our  
14 approach to that be different? And how are we ready to grapple with  
15 that?

16 MR. LEEDS: Commissioner, when we first established a  
17 framework to review any new reactor license applications, we  
18 anticipated greenfield. And that's the way we initially wrote the  
19 regulations and the guidance was for greenfield, not for what we  
20 actually received, because as you said, these new applications are  
21 collocated at existing sites.

22 So, the applications that are in now and that we are  
23 reviewing, we are getting a lot of lessons learned, even though the  
24 initial write-up or the initial framework was for greenfield, we are finding  
25 with once you try to implement anything, you are going to learn from the

1 activity.

2                   And I think what we are learning in the review of the  
3 Dominion, the Exelon, the different applications, we are going to need  
4 to go back and supplement and update some of the original guidance  
5 that we originally created to reflect what we have learned in this current  
6 review.

7                   COMMISSIONER MERRIFIELD: Recognizing the end  
8 product is going to be the same and the philosophy we are going to use  
9 is going to be the same, are there any -- is there anything we would  
10 need to do -- and this is sort of thinking as a Commissioner and wanting  
11 to plan -- is there anything we need to do differently in terms of staffing,  
12 in terms of any other lessons we have learned from our views thus far  
13 that would engender some additional involvement of the Commission in  
14 making any policy decisions in this area?

15                   Mr. LEEDS: We will need to come to the Commission  
16 because we are going to need to adjust some of the regulations that we  
17 have and provide additional guidance to licensees. So we are going to  
18 need to come to you. We have learned a lot.

19                   MR. REYES: If you go back to when we did this in the  
20 late '70's and '80's, I was involved with that, I still remember, we are  
21 going to have to have resources and skills to be able to do that.  
22 Because although the elements are the same, off-site response, off-site  
23 notification, emergency operating facilities, procedures, et cetera, et  
24 cetera, you are really starting from scratch in that area.

25                   You are talking greenfield. There is no agreement

1    beforehand with local law enforcement. There is no agreement with the  
2    counties. There is no agreement with radio stations, et cetera, et  
3    cetera.

4                    So we have those procedures from the '80's time frame.  
5    But we need to update them and then research loaded if we were to get  
6    a greenfield application to bring it up the date.

7                    COMMISSIONER MERRIFIELD: Well, I think it is  
8    worthwhile now to really be thinking and working those issues, because  
9    as I said, we have been focused on these three sites for which we  
10   already have reactors. And I think it is well within the reason of  
11   plausibility that we may be confronted not too far down the road with  
12   consideration of a site for which there is no reactor currently present.

13                   MR. REYES: Yes. We have a point -- as we have done it  
14   in the past. But we need to bring it to today's reality.

15                   COMMISSIONER MERRIFIELD: Well, I think one of the  
16   things that in general we have tried to do is work through different  
17   elements of our licensing process to update those so that we don't have  
18   -- so we can do our -- meet our full obligation and do appropriate  
19   reviews for public health, safety and the environment. At the same  
20   time, meet our strategic goal, which is effective, efficient, transparent  
21   and timely.

22                   And to the extent that some of these things we have not  
23   brushed off in a while, we may be confronted with, we need to make  
24   sure we are focused on those so that some of those other things we  
25   have not focused on as much as some of the others, we can make it

1 happen.

2                   The last question I had was relative to the interface or as  
3 the Chairman might say, connectivity between our efforts associated  
4 with security and emergency preparedness. Now, obviously, it is an  
5 under the auspices of the same organization, two elements of the  
6 organization and historically a different reflection and somewhat of a  
7 different mission.

8                   Given all of the changes that we have made in plant  
9 security lately, how do we make sure that there is that connectivity  
10 between what we are doing in security such that it does not encumber  
11 at all the enhancements that we wish to make on emergency  
12 preparedness?

13                   MR. LEEDS: Yes, sir. Glenn Tracy and I talk about that  
14 often. We have done a number of things with our staffs to make sure  
15 that we get that connectivity.

16                   We make sure -- one of the five teams that I talked about  
17 was the security emergency preparedness interface team. Well, we  
18 have that team leader who is directly connected with DNS, attends the  
19 DNS meetings when they are talking about security items, join very  
20 closely to Allen Madison, who is doing the vulnerability assessments,  
21 we have created work lists of products that each organization has in  
22 various stages of progress which we exchange so that we know what  
23 the other is working on.

24                   Of course, Roy when he runs his meeting, Glenn and I are  
25 always looking for areas where there is interplay between the two

1 organizations. When we do our outreaches, when we talk with utility  
2 groups and industry groups, State, public, when we get things that are  
3 worthwhile feeding back, we look for things each other.

4 So we have got a number of different processes that we  
5 have implemented to make sure that the communication is happening  
6 and that we are working together as a team.

7 CHAIRMAN DIAZ: I understand that several utilities are  
8 now integrated or merging their security and emergency  
9 preparedness organizations.

10 MR. REYES: I was going to say two things. We are  
11 looking into the organizations to try to improve the connectivity. And  
12 the licensees are doing that by themselves because they realize they  
13 have to develop the connectivity.

14 So you see it in all three places.

15 COMMISSIONER MERRIFIELD: I have no problem with  
16 that. I mean, I think it is a natural extension.

17 I would say, and again, this is a personal editorial  
18 comment, we have had the fortunate circumstance in the 26, 27 years  
19 that this agency -- or plus that at this point -- this agency has existed, --  
20 30, boy, time flies, doesn't it -- that we have not had a -- absent one  
21 issue at Three Mile Island -- we have not had a serious security action  
22 at plants that we oversee.

23 We have had an emergency in which our incident  
24 response activities have been called into play. We created as we  
25 needed to an organization called Nuclear Security and Incident

1 Response. And the principal focus of that entity, as it should be over  
2 the last two years, has been on the security aspects of what we do as  
3 an agency.

4 But it is the incident response that we are going to call  
5 upon more often and for individuals who live around, work in or work  
6 near a nuclear power plant, that's the part that's going to be critically  
7 called on more frequently in the activities we conduct as a regulatory  
8 body.

9 So I just -- I think it is worth noting not to diminish at all  
10 the importance of security, but to underscore the importance of incident  
11 response in the organization and to make sure that those critical efforts  
12 that we do on emergency preparedness don't get a short shrift, as I  
13 know the Chairman is very much supportive of, in our efforts to make  
14 sure we also do the right thing on security.

15 And that is all -- I would make one last little quick  
16 comment.

17 I was reflecting on that when we had the discussion of all  
18 the exercises that we all have been involved with over the years. I have  
19 been, as have all three of us, members of Commissions that comprise  
20 three, four and five members.

21 And as a result of some recent announcements, we will  
22 be, it appears, receiving two new members after the first of the year.  
23 People ask me all the time the positives and negatives of various sizes  
24 of the Commission.

25 The one positive thing I would certainly say by having five

1 Commissioners, we will be able to spread the pleasure of some of  
2 these exercises among a larger group of people because I know  
3 speaking for myself and I know it's not any different for the other two  
4 members on this side of the table, it does add more burden for us when  
5 there are few members.

6 CHAIRMAN DIAZ: But we are better trained.

7 MR. MERRIFIELD: We are very, very well trained.

8 CHAIRMAN DIAZ: Thank you, Commissioner Merrifield.

9 I just have one comment, I think, to summarize.

10 The meeting, the existence of the emergency  
11 preparedness and incident response organization is really a direct  
12 consequence of the interest that the Commission has in making sure  
13 that in this particular thing, which is where the rubber really meets the  
14 road or the agency's radiological protection function meets the public,  
15 that every effort is made to have the best possible organization, as  
16 Commissioner Merrifield said. I know that the regions always claim to  
17 be worthy of the rubber meets the road. I think the real rubber meets  
18 the road is in this area.

19 And that not only do we have to be good about it, but we  
20 have to communicate it. We have to make sure that the communities  
21 know that we have the proper tools, the resources, the proper  
22 emphasis.

23 So I will continue to look forward to receiving the proper  
24 feedback from the staff that efforts are being made in making the  
25 organization better, having the resources that you need to make sure

1 we can do it good and to communicate it to the public so our role is  
2 clear.

3                   We are here to protect the American people, and we are  
4 going to do that. And in this particular case, this is an activity that is of  
5 tremendous importance and it occupies, it always has but now probably  
6 more than ever, a special place in the agency.

7                   With that, Commissioner McGaffigan and Commissioner  
8 Merrifield, we are adjourned.

9                   (Whereupon, the meeting was adjourned.)

10