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2 UNITED STATES OF AMERICA  
3 NUCLEAR REGULATORY COMMISSION  
4 OFFICE OF THE SECRETARY

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6 BRIEFING ON SAFEGUARDS PERFORMANCE ASSESSMENT  
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8 PUBLIC MEETING

9 Nuclear Regulatory Commission  
10 Commission Meeting Room  
11 11555 Rockville Pike  
12 Rockville, MD

13  
14 Wednesday, May 5, 1999

15  
16 The Commission met, pursuant to notice, at 10:10  
17 a.m., the Honorable Shirley Jackson, Chairman of the  
18 Commission, presiding.

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20 COMMISSIONERS PRESENT:

21 SHIRLEY JACKSON, Chairman  
22 GRETA DICUS, Commissioner  
23 NILS DIAZ, Commissioner  
24 EDWARD MCGAFFIGAN, Commissioner  
25 JEFFREY MERRIFIELD, Commissioner

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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

2 PANEL 1

3 WILLIAM TRAVERS, EDO  
4 SAM COLLINS, NRR  
5 WILLIAM KANE, NRR  
6 RICHARD ROSANO, NRR  
7 DAVID ORRIK, NRR

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9 PANEL 2

10 RALPH BEEDLE, NEI  
11 JOHN R. McGAHA, ENTERGY  
12 WILLIAM A. JOSIGER, NYPA  
13 PAUL LEVENTHAL, NCI  
14 ELDON V.C. GREENBERG, NCI



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CHAIRMAN JACKSON: Mr. Orrik, would you care to  
23 make a few comments?

24 MR. ORRIK: Yes.

25 CHAIRMAN JACKSON: Could you try to limit it to

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1 about five minutes?

2 MR. ORRIK: We're here for three reasons,  
3 essentially.

4 Terrorism exists. Second point, OSRE is the only  
5 performance testing of the anti-terrorist capability of  
6 nuclear power plants and that the industry record, even with  
7 six to 10 months advanced notice of all of our evaluations  
8 still had a track record of, we could say, 53 percent  
9 passing, with 47 percent of the plants had -- still had  
10 significant security weaknesses in their ability to protect.

11 As I mentioned, in over 40 exercises, terrorists  
12 -- mock terrorists realistically reached and simulated  
13 sabotaging equipment.

14 Now, we did not consider operation. That was not  
15 within our purview. In fact, it was restricted. We were  
16 restricted from doing that.

17 Some plants had to use -- spend an awful lot of  
18 money to get ready for an OSRE. I would point out that was  
19 their decision. We have never made recommendations. All we  
20 did was evaluate what they had.

21 The criteria, everything we've used has been the  
22 same, and we have not changed the design basis threat. The  
23 truck bomb does not come within our purview. That's handled  
24 differently.

25 We still have terrorists making overt attack

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1 against the plant, and I would point out that we have never  
2 used the entire design basis threat.

3 CHAIRMAN JACKSON: Why don't you not discuss any  
4 details of the design basic threat.

5 MR. ORRIK: Yes, ma'am.

6 But I have come to two conclusions as a result of  
7 all of this.

8 One is that, since nuclear plants are an integral  
9 part of the American infrastructure and radiological  
10 sabotage could cause rather drastic results, that there is a  
11 need for an anti-terrorism capability, physical protection  
12 capability at nuclear power plants.

13 Secondly, I think, given the increasing pressure  
14 to cut costs, including security costs, and the -- as I  
15 mentioned, the previous track record of the industry, that  
16 there is a need for NRC presence to provide a countervailing

17 pressure against the pressures to reduce costs and make them  
18 competitive, redo security. They are, after all, a  
19 business.

20 I would, however, like to state something that I  
21 think will please the Chairman, the Commissioners.

22 Last year, I objected to NRC staff's decision with  
23 respect to NRC's role in performance assessment of nuclear  
24 power plants. This year, I have seen the proposed -- SPA  
25 task force proposals which you have been -- you have just

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1 received, and I have seen the proposed baseline inspection  
2 program.

3 They are reasonable and responsible. I am  
4 encourage by what I see NRC now preparing to do in the  
5 future.

6 I would, however, have this cautionary note. The  
7 proof of the pudding is in the eating. NRC's commitment to  
8 anti-terrorism capabilities will be in the approval and  
9 execution of these proposals.

10 So, the ball essentially is still in NRC's court,  
11 but I must say that I am very encouraged and am on-board  
12 with the efforts being taken by NRC staff.

13 CHAIRMAN JACKSON: Thank you.

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COMMISSIONER McGAFFIGAN: Let me ask Mr. Orrik --

15 I take your testimony today or your briefing remarks today  
16 to essentially say your DPO of February has been resolved to  
17 your satisfaction, that -- you know, we had a letter -- I  
18 think we just recently answered it -- from Congressman  
19 Markey about it, but you raised concerns in your DPO with  
20 regard to two of the recommendations and had an alternative,  
21 and should I regard your remarks today to mean that you're  
22 essentially -- you said you're on-board. Does that mean  
23 your DPO -- maybe it isn't formally resolved, but it is  
24 resolved in your mind?

25 MR. ORRIK: Yes, sir. Actually, of course, I did

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1 put the caveat that it has to be executed.

2 COMMISSIONER McGAFFIGAN: Okay.

3 MR. ORRIK: But yes. The answer to your question  
4 is yes.