

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BRIEFING ON  
EXISTING EVENT RESPONSE PROCEDURES  
(INCLUDING FEDERAL RESPONSE PLAN AND COORDINATION  
OF FEDERAL AGENCIES IN RESPONSE TO TERRORIST ACTIVITIES)

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PUBLIC MEETING

Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland  
Thursday, July 15, 1999

The Commission met in open session, pursuant to  
notice, at 10:00 a.m., Greta J. Dicus, Chairman, presiding.

COMMISSIONERS PRESENT:

- GRETA J. DICUS, Chairman of the Commission
- NILS J. DIAZ, Commissioner
- EDWARD McGAFFIGAN, JR., Commissioner
- JEFFREY S. MERRIFIELD, Commissioner

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STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

- ANNETTE L. VIETTI-COOK, Secretary of the Commission
- KAREN D. CYR, General Counsel
- FRANK MIRAGLIA, Deputy Executive Director for  
Regulatory Programs
- FRANK CONGEL, Director, Incident Response Operations
- CARL PAPERIELLO, Director, Office of Nuclear Material  
Safety and Safeguards
- ELIZABETH Q. TEN EYCK, Director, Fuel Cycle Safety and  
Safeguards, NMSS

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P R O C E E D I N G S

[10:00 a.m.]

CHAIRMAN DICUS: Good morning, everyone. I  
welcome you on behalf of my fellow Commissioners. Today we  
will be briefed by the NRC staff on existing event response  
procedures, including the Federal Response Plan and  
coordination of federal agencies in response to terrorist  
activities.

9 The Commission requested this presentation to  
10 address issues that arose during the briefing by the Federal  
11 Bureau of Investigation in March and to address any insights  
12 from the March San Onofre alert.

13 I would like to remind everyone present, and  
14 particularly those making presentations today, that although  
15 this is an open meeting and the material being presented is  
16 unclassified, we must be very careful not to discuss any  
17 information that is classified or of a sensitive nature.  
18 I would appreciate your keeping this in mind when asking or  
19 answering questions and during all of our discussions.

20 I should also like to add the slides that the  
21 staff has prepared, you have quite a few acronyms in them.  
22 It is understandable that we have a lot of acronyms in them,  
23 but on behalf of Commissioner Merrifield as well as myself,  
24 and I'm sure my fellow Commissioners, neither one may be  
25 very familiar with what these acronyms mean, and although

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1 you spell them out once, as you go through the slides,  
2 please don't use the acronym. Please use what the term  
3 actually is. I think we know who the FBI is; I think we  
4 know who FEMA is, but some of the other ones I think we need  
5 to be a little careful about doing it.

6 I should also suggest for the benefit of any  
7 stakeholders who are here outside the agency that perhaps in  
8 the future if we have slides that have lots of acronyms,  
9 perhaps at the back, if you would have a list of them, it  
10 would be very helpful, particularly for members of the  
11 public who may be here.

12 I understand that copies of the briefing material  
13 are available at the entrances to the room.

14 Mr. Miraglia, if you would please introduce your  
15 staff and proceed with the briefing. Thank you.

16 MR. MIRAGLIA: Thank you, Madam Chairman. Good  
17 morning, Commissioners. The briefing today will be given by  
18 Dr. Frank Congel, the Director of the Incident Response  
19 Operations, and Ms. Elizabeth Ten Eyck, the Director of the  
20 Division of Fuel Cycle Safety and Safeguards in the Office  
21 of Nuclear Material Safety and Safeguards.

22 Also at the table today with me is Dr. Carl  
23 Paperiello, the Director of the Office of Nuclear Material  
24 Safety and Safeguards.

25 Dr. Congel will discuss the NRC response

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1 procedures and the Federal Response Plan, and Ms. Ten Eyck  
2 will focus upon the intelligence and threat assessment  
3 activities conducted in NMSS.

4 This briefing has been coordinated with the FEMA  
5 and the FBI, and at this point I would like to have  
6 Dr. Congel begin.

7 MR. CONGEL: Thank you and good morning, Chairman  
8 and Commissioners. This morning I intend to give you an  
9 overview of the activities that the staff has been focusing  
10 on in the new areas of responding to weapons of mass  
11 destruction and other areas of terrorism.

12 As Mr. Miraglia stated, we do have with us today  
13 representatives from the principal agencies with whom we  
14 have been interacting. From the FBI, we have Mr. Bernie  
15 Bogdan. He is sitting behind me, on my right. From FEMA,  
16 we have Ms. Lisa Weldon.

17 With that, I would like to have the first slide,  
18 please.

19 [Slides shown.]

20 MR. CONGEL: This briefing is going to be based on  
21 all of the published directives and plans. We are focusing  
22 on a high enough level so we will avoid getting into some of  
23 the details that may go into classified areas. Clearly,  
24 whatever level of detail the Commission wants, we could  
25 provide it at some other briefing. Our intent here is to

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1 stay with the overview and to give the Commission and the  
2 public a perspective of the activities that we are involved  
3 with.

4 To that end, you will be hearing more as time goes  
5 by on presidential decision directives, PDD Numbers 39 and  
6 62.

7 I'm going to give an overview of the Federal  
8 Radiological Emergency Response Plan, the FRERP; some  
9 features of the NRC-FBI memo of understanding, and some  
10 other features of the Federal Response Plan, the bigger  
11 umbrella plan, because within the past several months there  
12 was a new version signed, that is, in April of 1999.

13 We will also do some preliminary discussion of a  
14 soon-to-be-published FBI concept of operations, where we fit  
15 in, what our perspective is on it, and some of the other  
16 ongoing efforts within the FBI that have a direct bearing on  
17 responsibilities that we have as an agency to protect the  
18 public health and safety associated with our licensees.

19 The document and the plan under which we do most  
20 of our responding, of course, is the Federal Radiological  
21 Emergency Response Plan. That is the one that obviously  
22 people around the table with me have had experience in our  
23 drills and exercises here at headquarters. It is the one  
24 that really serves as a basis for most of our response.

25 It is signed by 17 agencies, including the

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1 principals here, like FEMA and the FBI, as well as others.

2 Most importantly, it designates and identifies  
3 lead federal agencies, the LFAs you will see referred to in  
4 subsequent slides, that have principal responsibility for  
5 conducting a federal response given an incident within their  
6 area of purview. Clearly we have responsibility for our  
7 licensees along the same lines the Department of Energy has  
8 responsibility for accidents that may occur at one of their  
9 facilities; NASA, for example, with satellites that could  
10 reenter the earth's atmosphere and cause a potential  
11 problem.

12 It is also mentioned in the FRERP that the FBI is  
13 responsible for responses to any malevolent events. We have  
14 had interactions in this MOU with the FBI for many years in  
15 terms of coordinating with them given an event that would  
16 involve any kind of criminal activity at our site along with  
17 potential for radiological effects.

18 The other intent that I have this morning is to  
19 show how the new aspects associated with these PDDs build  
20 out to our existing base. We are not talking about a  
21 radically new approach or procedures, but we are going to be  
22 building and incorporating the new needs as defined by the  
23 PDDs.

24 I already said briefly that the Federal Response  
25 Plan is the large umbrella plan that brings to bear all

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1 federal capabilities to respond to a national level disaster  
2 together in one plan. The Federal Response Plan gets called  
3 into play on the basis of a presidential declaration. It  
4 would be expected to bring to bear federal capabilities if  
5 something happened, for example, at one of our facilities  
6 that caused significant damage off site.

7 What happens in this case is that all of the  
8 federal agencies that can bring to bear assistance would be  
9 brought into this, and it's a much bigger picture than we  
10 would get with just a Federal Radiological Emergency  
11 Response Plan.

12 It does require a presidential declaration, and it  
13 does involve the appointment of a federal official, the  
14 Federal Coordinating Officer, or the FCO, who will have the  
15 authority and responsibility to coordinate all of these  
16 federal activities. This would be done in parallel with the  
17 efforts that have already started under the FRERP.

18 In fact, one of the principal things that occurred  
19 with the revised Federal Response Plan that was signed in  
20 April of this year is that there are paragraphs in the FRP  
21 now to specifically address the smooth, seamless switching  
22 from an FRERP response to an FRP response. That wasn't in  
23 the earlier version. We had written agreements with other  
24 federal agencies as to how that would happen, but now it is  
25 truly recognized in the bigger picture.

9

1 In addition, there was a terrorist annex added to  
2 the FRP that, among other things, recognizes the FRERP lead  
3 federal agency concept as a source of radiological  
4 information when responding to a terrorist event that could  
5 involve a nuclear device.

6 Presidential Decision Directives 39 and 62 are  
7 both relatively recent publications that reflect on the new  
8 world that we have around us now.

9 The first one, 39, was issued June 21, 1995. It  
10 is titled U.S. Policy on Counterterrorism. It re-formed  
11 earlier policies to deter, respond to, and combat terrorism.  
12 It expanded the commitment to counter domestic terrorism,  
13 especially when it comes to weapons of mass destruction and  
14 the consequences associated with the use of those devices.  
15 Weapons of mass destruction include those that could be  
16 nuclear, biological or chemically based.

17 The FBI is designated to lead what we are going to  
18 have as two terms that were introduced by PDD 39, and that  
19 is the crisis management aspect of a response to such an  
20 event.

21 Also in this document, FEMA was designated to be  
22 the consequence manager.

23 These terms are important. I will go into them a  
24 little bit more as we go on. It is key to how it fits into  
25 the structure that existed prior to the publication of these

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1 PDDs.

2 PDD 62 is a much more recent publication. It was  
3 May of last year and is entitled Protection Against  
4 Unconventional Threats to the Homeland and Americans  
5 Overseas. It expands on PDD 39 and it details some new  
6 systematic approaches to combating terrorism.

7 Among other things, it did establish a new  
8 position on the National Security Council. So it is a very  
9 high level, very important factor in our nation's response  
10 to such potential problems.

11 It also includes addressing the potential problems  
12 of cyber-terrorism.

13 Based on experiences to date with various  
14 terrorist events, the publication of the PDDs required a  
15 follow-up on the part of responsible or cognizant federal  
16 agencies to develop plans and implement procedures.

17 The crisis management term that I mentioned just a  
18 few moments ago is that part of the response that occurs  
19 both before and during the event. It addresses the  
20 potential causes of the event, the identity, and the  
21 motivation or capability of the perpetrators.

22 It is designed ideally to prevent such an act from  
23 occurring, or if there is an act occurring, to respond to  
24 it. It includes the other bullet items that I have on the  
25 slide. I won't read the slide, but I think those are

11

1 important to make note of.

2 It is separate and distinct from the consequence  
3 management. I think the term is fairly self-explanatory,  
4 but consequence management occurs during the event, and  
5 certainly after it.

6 Addressing the effects and the effort to return  
7 things to normal as soon as possible is utmost in the intent  
8 and the duties of the agencies responsible for that. But  
9 that effort is decreed by FEMA. That is understandable in  
10 terms of the charges that FEMA has had over the years with  
11 their response capability to natural disasters.

12 As would be expected, these important documents  
13 initiated a substantial federal effort to respond, a  
14 substantial effort to put together the infrastructure so  
15 that the agencies with capabilities in these areas would be  
16 in a position to carry out the responsibilities.

17 As I briefly mentioned already, at a very minimum  
18 we would need to respond by revising our federal response  
19 capabilities and in many cases expanding them. As our  
20 presentation unfolds, I will be giving more details of what  
21 that entails for our agency here.

22 In particular, the FBI, being the most cognizant  
23 agency in a good part of these PDDs, is serving as the lead  
24 in producing the documents and concepts of operation in  
25 order for them to carry out their duties. We have people

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1 working with the FBI so that our concepts of operations and  
2 our plans and procedures will be integrated appropriately  
3 with theirs.

4 Subsequently, and most likely within a few months,  
5 revisions to our internal programs will be initiated and  
6 ultimately drilled. We will address that near the end of  
7 the presentation.

8 The principal document that the FBI is drafting  
9 currently is the U.S. Government Interagency Domestic  
10 Terrorism Concept of Operations. It is presently under  
11 development. It includes input from all of the words and  
12 requirements put down by the PDDs. It integrates the  
13 existing MOUs, what I call the existing infrastructure,  
14 which is very important because we have a very effective  
15 program in place right now.

16 The ultimate goal, just like our basic charter, is  
17 the protection of public health and safety. Of course the  
18 aspect that goes along with law enforcement, namely, that  
19 the criminal investigation process must be preserved, is

20 also included in this document.  
21 As always, our agency will lead the federal  
22 radiological response on anything that involves our  
23 licensees. We will provide advice and assistance, as we  
24 always do, and we will do our usual coordination. I don't  
25 want to dwell on that. Everybody around this table is

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1 intimately familiar with that.  
2 In addition to this, in a circumstance like this  
3 the FBI will be leading what we defined a little bit earlier  
4 as the crisis management. They are responsible for both the  
5 potential and the actual aspects of criminal activities.

6 They will be also responsible for resolving  
7 conflicts concerning response priorities. We would be  
8 working with them in the distribution of resources.

9 One thing is very clear at this stage.  
10 Radiological matters associated with our licensees will be  
11 under our purview.

12 Near the end of the presentation we will have some  
13 general block diagrams that will talk about the  
14 organizational structure in which this will take place. I  
15 believe that will make it clear, but it is important also to  
16 note that the NRC and the FBI in this example would be  
17 responsible for coordinating communications to media, White  
18 House, and so on.

19 As you know, sitting at the table with me is  
20 Ms. Liz Ten Eyck. I will tell you what my group's  
21 responsibilities are and then we will have Ms. Ten Eyck take  
22 over.

23 Instant response operations responsibilities  
24 include the development of NRC response policy. We do the  
25 coordination principally with the other agencies that assist

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1 us. As you know, a substantial amount of time and effort is  
2 spent with FEMA, and, of course, secondarily with everyone  
3 from EPA through DOE, and so on.

4 The implementation of the program is through our  
5 operation center, and we do everything, from our exercise  
6 there to the training.

7 MS. TEN EYCK: NMSS' responsibilities in this area  
8 include threat policy, the Information Assessment Team and  
9 the threat assessments that are done, and also the threat  
10 advisories that are put out to our industry. I plan to talk  
11 about the last two topics today.

12 The Information Assessment Team was formed in the  
13 late 1970s after NRC experienced what probably could be  
14 explained as an unorganized response to a threat event. At  
15 that time it was decided that a single group within the  
16 agency that is trained in threat assessment would be there  
17 to provide a consistent agency response to threat  
18 information.

19 It is composed of entities from the Nuclear  
20 Material Safety and Safeguards office, who really at this  
21 point chair the organization. They coordinate with FBI  
22 headquarters; they provide threat information regarding fuel  
23 cycle facilities, materials and transportation activities.

24 The Office of Nuclear Reactor Regulation is a  
25 member of this team, and they provide input regarding power

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1 reactor technology and expertise in that area.

2 The regions are responsible for coordinating with

3 the FBI field offices, the local law enforcement and the  
4 licensee, and bring to the team a site-specific expertise of  
5 dealing with threat assessment.

6 This group is available 24 hours a day on call  
7 through the operations office.

8 In the area of threat assessment we have  
9 information from a variety of sources. Also, we have an  
10 established assessment process. If you move to the next  
11 flow chart, I can walk very quickly through this activity.

12 As you can see on the left, we get input from  
13 various sources, whether it's the licensees, the FBI, local  
14 law enforcement or the state. Then it is coordinated  
15 through our emergency operations office through a conference  
16 call.

17 The IAT members are brought to bear, depending on  
18 the type of threat. If it's a power reactor threat, then  
19 there would be representatives from NMSS, NRR, and the  
20 particular region that would be involved in the threat.

21 We have a conference call. We discuss the  
22 information. If the information is determined to be  
23 non-credible, then appropriate notification is made to upper  
24 management as appropriate. If there is a specific threat  
25 that is directed to a specific licensee, they also are

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1 notified concurrent with the IAT assessment.

2 If it is determined to be credible, the IAT  
3 conference call is expanded to include senior headquarters  
4 management as well as regional management, the emergency  
5 officer on duty at the time, and also the FBI or the  
6 licensee. In this expanded meeting the recommendations  
7 would then be formulated to recommend to NRC management that  
8 they activate the operations center and proceed with a  
9 formal response.

10 Going on to the next slide, NRC is not a member of  
11 the intelligence community although we have memorandums of  
12 understanding and agreements with members of the  
13 intelligence community to provide us information that is  
14 related to threat that we would assess. If you move to the  
15 next slide, I can walk through that.

16 We would receive the information from the  
17 intelligence community. It would be focused to the NMSS IAT  
18 member, who then through the incident response center would  
19 have a conference call established where there would be an  
20 IAT assessment.

21 CHAIRMAN DICUS: What does HOO stand for?

22 MR. CONGEL: Headquarters operations officers.

23 CHAIRMAN DICUS: Thank you.

24 MS. TEN EYCK: I was trying to stay away from  
25 acronyms and just talk about it as being the incident

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1 response center.

2 They then establish the bridge where we have our  
3 conference call, and we would make an assessment of the  
4 threat information.

5 If a determination is made that a threat advisory  
6 needs to be issued, we would draft the threat advisory,  
7 coordinate it up through the EDO and get his concurrence,  
8 and then it would be disseminated to all of our licensees  
9 through the established regional IAT function.

10 We would also coordinate with the Department of  
11 Energy or the FBI in the release of these advisories because

12 we view that anything that happens to our facilities could  
13 also possibly be directed to a DOE facility, and it is very  
14 difficult sometimes for people to make a distinction on  
15 whether it's an NRC facility or a DOE facility. So we work  
16 very closely with any intelligence information concerning a  
17 threat with the Department of Energy and the FBI.

18 Then, with the EDO's concurrence, it would be  
19 disseminated, as I said earlier, to the licensees, and then  
20 we would be in a monitoring stage both with the intelligence  
21 community as it determines the extent and the potential  
22 consequences of the threat and then coordinate with the  
23 licensees on whatever actions might have been recommended  
24 that they take.

25 At this point I would like to turn it back to

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1 Frank.

2 MR. CONGEL: Thank you, Liz.

3 On the next slide, entitled Full Scale Activation  
4 and Deployment, we have an example of what planning and  
5 response we would go through prior to the PDD issuance. I  
6 put them in this context so that we can contrast what we are  
7 working with in terms of upgrading in light of the PDDs.

8 I would also like to point out that this is an  
9 example that would really require full deployment, which has  
10 never happened with this agency. The Three Mile Island  
11 accident, of course, happened prior to our formal planning.

12 In the worst case scenario, what we would have is  
13 what I would consider the middle column:

14 The NRC response that we drill and exercise  
15 regularly that everyone around the table is familiar with,  
16 and that is the activation of the Headquarters Op Center.

17 We coordinate right now with the FBI if it  
18 involves anything with criminal activity.

19 Our regional site team arrives.

20 If it's a longer term accident and a real serious  
21 case, then we develop with the augmented site team, which is  
22 the part that addresses shift staffing and increased  
23 staffing.

24 We also have the formation of the joint operations  
25 center. When I get to the next slide, we will deal with

19

1 that.

2 The FEMA response -- this is a graphic  
3 illustration of the response -- is that they will name a  
4 senior official from one of their closest regional offices;  
5 the regional op center of FEMA would be activated, and the  
6 site team, with the FEMA responders and assistance, would  
7 also join us in the joint operation center.

8 If it does involve a presidential declaration,  
9 FEMA's activities would certainly be more than I gave them  
10 on the description here, but for all purposes, regardless of  
11 whether it's a Federal Response Plan or a FRERP response,  
12 this is about the same.

13 Up until very recently the FBI response was, as  
14 indicated in the far left-hand column, that an FBI commander  
15 from their closest field office would be named.

16 Then, depending upon the details of the event and  
17 the communications that would exist with the appropriate  
18 people in our agency, the FBI response would be, as it says  
19 here, tailored to the event.

20 They would also be a participant in the joint  
21 operations center.



22 To the far right our ovals indicate the rough time  
23 frames associated with this. The decision to activate and  
24 go on is an hour, and formation of the joint ops center at  
25 the other end of the scale is six to 12 hours.

20

1 Under the current concept of operations plan of  
2 the FBI, as you can see from this slide, there is more  
3 involvement, more structure associated with the interaction  
4 of the FBI with other federal agencies given a full-scale  
5 activation here.

6 NRC has a change now in terms of expectation of a  
7 liaison to both the FBI's operations center and also to the  
8 DEST. We do have in the lower left-hand corner of the slide  
9 that the DEST is the Domestic Emergency Support Team. That  
10 is a team that is formed by the FBI. It includes members of  
11 other federal agencies with expertise to bring to bear to  
12 the particular circumstance involved. Certainly a  
13 radiological event would require people from the NRC to be a  
14 member of the team.

15 That teams gets dispatched to the site or close to  
16 the site to provide support.

17 While the FBI is going through the formation of  
18 its structure to respond, it quickly sends one of its field  
19 agents to the site followed in a short time, as indicated by  
20 my far right-hand column, by a full team.

21 They also simultaneously or in parallel activate  
22 their headquarters operations center and send a liaison to  
23 the NRC here at NRC headquarters. They activate, as I said,  
24 the domestic emergency support team, establish a command  
25 post at the site or close to it, and become a member with

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1 the joint operations center.

2 This is really a very major event that would cause  
3 this to happen.

4 The command post or the joint operations center,  
5 the terms that we are most familiar with here from our  
6 drills, would have these four principal components.

7 CHAIRMAN DICUS: Frank, as you go through this,  
8 could you explain where these various operations centers are  
9 so people are a little clearer on that.

10 MR. CONGEL: We will start with the NRC  
11 headquarters op center. We know where that is.

12 CHAIRMAN DICUS: Actually, I think we know where  
13 those are.

14 MR. CONGEL: I was only going to point out that  
15 the FBI operations center here is the one at the Hoover  
16 Building in downtown Washington. The domestic emergency  
17 support team does go to the site.

18 The field office for the FBI response is one of  
19 about 200 that exist around the country. The agent would go  
20 from that field office, the one that was closest, and go  
21 directly to the joint operations center.

22 The full team of the FBI would also be collocated  
23 in the region where the event is taking place. That is a  
24 variable number of people, depending upon the event and its  
25 magnitude and the needs.

22

1 CHAIRMAN DICUS: I think it would be helpful to  
2 point out right now that the joint operations center is  
3 going to be set up wherever the event is happening. So

4 there is not a specified location; it's going to be where  
5 the event is.

6 MR. CONGEL: Yes. I'm sorry. I was working my  
7 way down.

8 COMMISSIONER MCGAFFIGAN: Do we have pre-chosen  
9 locations for all of our reactors? Would the notion be that  
10 we would go to ours?

11 CHAIRMAN DICUS: They may or not.

12 MR. CONGEL: It depends on the size of the  
13 response. That's the key. You are absolutely right. We  
14 have the emergency operations center, and there are places  
15 for us: onsite emergency operations facility; offsite, the  
16 parts where the state and the locals manage the event, there  
17 are spaces for us, but as the Chairman pointed out,  
18 depending on the magnitude of this, there could be a need  
19 for other physical facilities. The full FBI team alone  
20 could be 30, 40, 50 people or more, and that is not  
21 something that we practice for.

22 The important other point is the ultimate response  
23 is managed from as close as is reasonably possible to the  
24 site of the event.

25 COMMISSIONER MERRIFIELD: Is there a separate

23

1 location for the DEST, or are they at the FBI ops center?

2 MR. CONGEL: DEST would be, it's my understanding,  
3 the same place where the full team from the FBI would be.

4 COMMISSIONER MERRIFIELD: At the site?

5 MR. MIRAGLIA: In the vicinity of.

6 MR. CONGEL: In the vicinity of the site.

7 The only point I want to make, and hopefully it's  
8 clear, for events of lesser magnitude we have areas for our  
9 staff to work and to interact with licensees, states,  
10 locals. Communication links are all established. If an  
11 event gets large enough so that we get large numbers of  
12 people from other agencies, like the FBI as I am describing  
13 here, it very well may require other physical facilities for  
14 them. But they all are located close to where the event is  
15 taking place as opposed to operations out of their  
16 respective headquarters or their regional facility.

17 MR. MIRAGLIA: The key of the joint operations  
18 center is to bring all of those folks, and that is the next  
19 slide. The joint operations center integrates the  
20 activities.

21 MR. CONGEL: The only other thing I was going to  
22 say on this slide before we switch over is the FEMA regional  
23 operations center is at the regional office, and FEMA has  
24 offices in the ten what I would call standard federal  
25 centers.

24

1 The structure of the command post or the joint  
2 operations center has the four principals as I have in the  
3 large rectangular box at the top.

4 What this is intended to portray is the direct  
5 links between those in the joint operations center and the  
6 groups that they directly manage, the interfaces and the  
7 interactions or liaisons that occur across the board, and  
8 the ultimate production of information for the public and  
9 others through the joint information center.

10 All of the information going to the joint  
11 information center has to be coordinated among the  
12 principals that are in this command post or joint operations  
13 center.

14 We can look down at the flow diagram here. The  
15 important thing is that the FBI does have the responsibility  
16 for the oversight of the DEST, domestic emergency support  
17 team, tactical response, and the criminal investigation.  
18 They also have a liaison and a communication link directly  
19 with the facility security.

20 We, of course, have our usual links and  
21 capabilities on site for safety assessment, rad monitoring  
22 in conjunction with the Department of Energy, as well as the  
23 consequence assessment.

24 The two principal areas of safety assessment and  
25 rad consequence assessment we will feed in in determining

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1 the tactical response of the FBI. Hence the dotted lines  
2 between those boxes.

3 Of course we also are tied in with the facility  
4 operations, and there is a link between facility security  
5 and facility operations in both of the structures.

6 FEMA has the disaster field office. It's a  
7 simplistic thing, but they are the ones that do all the  
8 coordinating and assisting of the state and locals in  
9 determining how to handle people who are evacuated and in  
10 temporary housing. All the things that we see when there is  
11 a natural disaster.

12 Very important, collocated with the joint op  
13 center are representatives of the state and local  
14 government.

15 We talked briefly about what happens if we have a  
16 very large, significant event. The experience to date, and  
17 we hope it continues to be the same, involves substantially  
18 less effort on our part; much smaller issues to deal with.

19 We do get what we call small-scale events to the  
20 tune of one to two a year. Once we determine some kind of a  
21 response is necessary, we name a monitoring team leader.  
22 Most of the monitoring is done from our regional office.

23 There is a dispatching from the regional office of  
24 several people, depending upon what the issue is. There is  
25 coordination -- Liz actually talked about part of this --

26

1 early on by phone.

2 The FBI has a commander dispatched from their  
3 field office, one of them that is close, and one to two  
4 agents would also arrive on the scene.

5 There is establishment of a joint operations  
6 center or command post. The federal response in dealing  
7 with the incident is coordinated through there.

8 Typically these events are settled fairly quickly.  
9 I will give you some examples of recent experiences.

10 Over the past several years we have had stolen  
11 sources, most recently in Florida, but also in North  
12 Carolina and Montana, where we went into a monitoring mode.  
13 We had close association with both the FBI as well as DOE.  
14 In some of those examples, DOE in a couple of them provided  
15 the aerial monitoring service in an attempt to find these  
16 lost sources.

17 The point that I wanted to make here is that  
18 everything worked very well and the agencies coordinated in  
19 an appropriate way.

20 In the case where you specifically asked the staff  
21 in your SRM about San Onofre, San Onofre had a suspected  
22 bomb. I can't remember what part of the building it was in,

23 but in any case, we did initial coordination by phone. An  
24 FBI agent was dispatched to the site along with some NRC  
25 personnel.

27

1 Just like I said in the earlier flow diagram, the  
2 FBI brought to bear resources from the local marine base to  
3 determine whether the suspected item was a bomb or not. It  
4 turned out it wasn't. Nevertheless, the coordination took  
5 place and the problem was defused.

6 COMMISSIONER MERRIFIELD: No pun intended.

7 MR. MIRAGLIA: An unintended pun.

8 [Laughter.]

9 MR. MIRAGLIA: "It was not necessary to defuse the  
10 problem" may be more accurate.

11 MR. CONGEL: The situation was alleviated.

12 In any case, our experience to date has left us  
13 with certain observations. The FBI very actively pursues  
14 its role. It is certainly very obvious that when there is a  
15 potential issue that involves criminal activity in our area  
16 we get together and coordinate very well. There is no need  
17 in dealing with our staff nor the FBI staff to encourage  
18 people along. They just go out and do exactly what they  
19 have to do.

20 All of the response has been in accordance with  
21 our plans to date; also, the proposed concept of operations  
22 that I outlined just a few moments ago with the earlier  
23 slide.

24 We certainly have more work to do. We continue  
25 our interactions with the FBI and Liz' component is as well.

28

1 We will be doing planning for joint training of both FBI  
2 personnel as well as ours. To that end, both Liz' folks and  
3 my folks have observed a large FBI exercise that was held in  
4 Oak Ridge, Tennessee, several months ago.

5 So we are well on our way to upgrading our plans  
6 and procedures to be in accordance with the presidential  
7 decision directives. We certainly have more work to do, and  
8 you will be hearing more from us as time follows.

9 Last slide, please.

10 This is a slide that I think says what is obvious.  
11 Any course of action that is necessary has these features to  
12 it.

13 As I mentioned, we are developing our concept of  
14 operations right now.

15 We are looking into revising our incident response  
16 procedures. We have some drafts on those.

17 We ultimately will be informing our licensees and  
18 the states as well as interacting with the FBI field offices  
19 to ensure that we are all reading and understand the same  
20 bases.

21 You will be hearing from me about training of NRC  
22 responders, and we will precede this by tabletops similar to  
23 the one we had yesterday on Y2K just to air issues that need  
24 to have more attention paid.

25 That concludes my presentation.

29

1 CHAIRMAN DICUS: Thank you very much.

2 Let me ask you a question about these tabletops  
3 and the exercises with the licensees, states and the FBI.  
4 Have these been specifically set out with a schedule, or are  
5 they being talked about?

6 MR. CONGEL: They are being talked about.

7 CHAIRMAN DICUS: Is there some definitive plan to  
8 really see them through?

9 MR. MIRAGLIA: There are some activities. We just  
10 put out an information notice in terms of FBI. If you go  
11 back to slide 17, for example, it indicates that there is a  
12 link in the FBI chain to facility security. Our emergency  
13 plans have contingency planning, and we have local law  
14 enforcement agreements. The FBI has been and is visiting  
15 our licensees.

16 We put a notice out to say that they are looking  
17 to see what is the interaction within the context of our  
18 plan with local law enforcement so they can understand that  
19 and further develop their concepts of operations.

20 So this is an evolving kind of activity. We are  
21 aware that they have visited at least several licensees.  
22 I'm not quite sure where they are, but those visits by the  
23 FBI are under way so they can have a better understanding of  
24 what is in place and how they want to interact with what is  
25 in place. The idea is not to reinvent a lot of things but

30

1 to take advantage of the infrastructures that are in place  
2 and how they would interact.

3 The sense that we have is that they are looking  
4 for the primary interaction to understand what is in place,  
5 how we interact with the local law enforcement, and that  
6 would be their point of entry into those kinds of  
7 activities.

8 Is that a fair characterization, Liz?

9 MS. TEN EYCK: Yes. It's part of the FBI's  
10 nuclear site security program. The FBI headquarters  
11 notified their regional offices in a memo, I think in  
12 January of this year, to go out and interface with the  
13 nuclear facilities that are in their areas and to develop  
14 contingency plans and work with the licensees and share this  
15 information so that they ensure that the contingency plans  
16 are integrated with both the site and the FBI and the  
17 response organizations that would provide support.

18 COMMISSIONER MERRIFIELD: Chairman.

19 CHAIRMAN DICUS: Yes.

20 COMMISSIONER MERRIFIELD: If it was your intention  
21 by your question to encourage the staff to move forward  
22 quickly on tabletop exercises and perhaps move into a live  
23 exercise with the Commission, I certainly would join you, if  
24 that was your intention.

25 CHAIRMAN DICUS: That was exactly my intention.

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1 COMMISSIONER MERRIFIELD: I thought so. I  
2 strongly join you in that.

3 CHAIRMAN DICUS: Thank you.

4 Commissioner Diaz.

5 COMMISSIONER DIAZ: Given the magnitude of  
6 potential public health consequences, a nuclear power plant  
7 would be at the very top of a potential public health issue.  
8 How deep are the federal agencies' plans, especially the  
9 FBI, in coordination with local authorities? How deep do  
10 they presently go in covering all possible aspects that can  
11 be envisioned? What is the extent of the coordination? How  
12 deep do they go without going into anything that should not  
13 be talked about here?

14 I sensed sometime ago there seemed to be some gaps

15 developing. How deep, thorough and complete are the plans  
16 for local enforcement, the Coast Guard, whatever needs to be  
17 brought in, and how does the FBI coordinate those with us?

18 MS. TEN EYCK: Maybe I can address this.  
19 Basically that is the FBI's responsibility at this point.  
20 As Frank mentioned, as a result of the PDDs, they are taking  
21 a much more concerted look at developing specific  
22 contingency plans to respond to our types of facilities.  
23 They have been charged to develop contingency plans and then  
24 go and share what they have done with the nuclear facilities  
25 in their areas and coordinate to ensure that we do have a

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1 coordinated program.

2 The exercises that they talked about are what they  
3 plan to have and they currently having with the Department  
4 of Energy funding, because the department wanted to ensure  
5 that they had this coordination with the FBI for all of  
6 their facilities as soon as possible. They are then sitting  
7 down in a tabletop exercise and talking through what would  
8 happen with the FBI and the site, the local law enforcement,  
9 the local fire department, all the assets that may respond  
10 to that type of an event.

11 We can't tell you at this point specifically the  
12 degree of the contingency planning that has been done with  
13 the FBI because they are doing their own part of it now. We  
14 already have our contingency plans in place with our sites.  
15 The FBI is now developing their component. When we get  
16 together in one of these tabletop exercises, that is when we  
17 will really see the degree that all of the planning comes  
18 together.

19 COMMISSIONER DIAZ: In other words, work is in  
20 progress.

21 MS. TEN EYCK: Yes.

22 COMMISSIONER DIAZ: Is there a timetable that the  
23 FBI is using for completion of the threat assessment and  
24 responses?

25 MS. TEN EYCK: They have been tasked to do this

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1 and they are just now planning it in their programs. They  
2 are starting out with the Department of Energy sites because  
3 the Department of Energy volunteered to pay to have these  
4 exercises conducted. So they are focusing primarily now on  
5 the Department of Energy facilities for these exercises, but  
6 they have tasked all of their field offices to go out and to  
7 interact and to develop contingency plans for the facilities  
8 in their region and to interact with the licensees.

9 As Frank mentioned, some of that is ongoing now.  
10 We got word the other day that they were at Wolf Creek in  
11 the last week. That schedule is each individual field  
12 office is going out and doing their own. So we can't tell  
13 you exactly when it is going to be finished or the schedule  
14 that they are working for. They are doing it as fast as  
15 they can, but they are resource limited also.

16 COMMISSIONER DIAZ: That was the heart of my  
17 question. I know that it was being done for DOE. I wanted  
18 to know to what extent we are covering our areas of  
19 responsibilities in a nuclear power plant. What you are  
20 telling me is that is not being resolved but is something  
21 that we should get some information on.

22 MR. MIRAGLIA: There are two phases, as I  
23 understand the program, Commissioner. Liz has had more  
24 contact. The first phase for them to develop the

25 contingency plan is to understand what is in place at the

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1 DOE facilities as well as our facilities. Those are moving  
2 in parallel. They are collecting that information and  
3 looking at what our response plans have and what those links  
4 are. That is a parallel kind of effort.

5 The drilling and the tabletops are more advanced  
6 in the DOE aspects, although there is a phase where based  
7 upon that experience the FBI will develop a phase II similar  
8 kind of thing to perhaps do some tabletops with us. That is  
9 a little further down the pike.

10 COMMISSIONER DIAZ: It is of interest to the  
11 Commission to know when that is going to take place and how  
12 it is going to happen. I think that was the bottom line of  
13 my question.

14 MR. MIRAGLIA: We can explore that further.

15 CHAIRMAN DICUS: That is a very good point.

16 COMMISSIONER DIAZ: The second part -- and the FBI  
17 might want to answer this -- there is obviously a lot of  
18 interest in the fact that it appears that the terrorist  
19 threat is escalating and that we are escalating our efforts  
20 in meeting that threat. I just heard the words "resource  
21 constrained." I just want to make sure that sometime we get  
22 some response that indicates that the escalation of our  
23 efforts is proportional or is meeting the potential  
24 escalation of the threat. Is there some comment that might  
25 help us to realize that this is taking place?

35

1 MR. BOGDAN: I'm Bernie Bogdan, assigned to the  
2 FBI headquarters weapons of mass destruction operations  
3 unit.

4 In answer to your question, Commissioner, I know  
5 you all have read about the large increase in the budget for  
6 counterterrorism measures. The FBI is also coordinating a  
7 number of initiatives in order to better coordinate the  
8 federal government response to terrorism.

9 We recently established a National Domestic  
10 Preparedness Office in response to requests from state and  
11 local first responders, the fire, police, emergency medical  
12 people that might be first on the scene at these type of  
13 events. Their complaint was that the federal government is  
14 duplicating too many efforts; there is no single  
15 coordinating body, and a myriad of other complaints. So  
16 this domestic preparedness office is a multi-agency entity,  
17 so to speak. It's housed at the FBI. However, there are  
18 other agencies that are represented as well as state and  
19 locals.

20 This is one initiative to try to get them  
21 training, working on planning, and getting them information  
22 as well, and equipment and things like that to help them to  
23 respond to these type of incidents.

24 I don't know if I completely answered your  
25 question or not.

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1 COMMISSIONER DIAZ: I think you did. We have an  
2 area that we focus on. I think it would serve us well to  
3 know how good the plans are getting to be as time goes on.  
4 In other words, we have a vested interest in a series of  
5 parts of the threat, and we need to know what those  
6 responses are. Are they being well resource based?

7 MR. BOGDAN: Commissioner, maybe to answer your  
8 question more specifically, I believe Ms. Ten Eyck was  
9 explaining the response plans that the FBI offices have in  
10 place. We have been required since probably the early 1990s  
11 to have response plans in place with nuclear facilities.  
12 What we have tried to do recently is provide our field  
13 offices with a little bit more specific guidance about how  
14 to go about doing that. Every office has a basic crisis  
15 response type plan.

16 Recent instructions that went out asked them to go  
17 out and reestablish contacts with these facilities and  
18 perhaps be a little bit more specific about different  
19 capabilities and resources and things. These plans cannot  
20 be all-encompassing to address every single scenario.

21 Basically, what we are trying to do is to have  
22 each identify to the other what assets and capabilities are  
23 available on site. As the FBI arrives on scene to determine  
24 what the situation is, it may be as simple as establishing  
25 points of contact, getting phone numbers with personnel. It

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1 may seem pretty self-explanatory, but this type of  
2 communication needs to happen, a basic familiarity, and that  
3 can lead to joint training and exercises and things like  
4 that.

5 Ms. Ten Eyck was also addressing this nuclear site  
6 security plan. DOE basically came to us first and asked us  
7 to help them out. That was one reason why it was initiated  
8 with the DOE facilities. We are obviously willing to  
9 exercise with anyone. You come to us, and we will be glad  
10 to assist you. This may already be being done at some of  
11 the sites. I'm not all-knowing. I haven't been aware of  
12 every single thing that happens in each one of our field  
13 offices, but these activities may be ongoing with some of  
14 the sites as we speak. I'm not saying they are; I'm not  
15 saying they aren't. Because we haven't seen paper on it  
16 doesn't mean a lot of this isn't happening.

17 COMMISSIONER DIAZ: Thank you.

18 On slide 20 there is course of action: Concept of  
19 operations being developed; revise this; inform; conduct  
20 training; conduct tabletops. I think it will serve the  
21 Commission well if we would put milestones and schedules on  
22 this so we will understand the timetable, and if the staff  
23 could also inform us how coordinated this is with the proper  
24 authorities and to the extent our facilities are being  
25 covered under those plans.

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1 MR. MIRAGLIA: That is a fair comment,  
2 Commissioner.

3 I might make one observation. If we go back to  
4 slide 15, playing off what Mr. Bogdan just said, there is an  
5 infrastructure in place to respond to the emergency. I  
6 think, as Mr. Bogdan indicated, there are lots of response  
7 activities out there, for various reasons. Trying to get an  
8 understanding and integration and a better understanding of  
9 their more defined role and how we coordinate and link, I  
10 think that is an important observation.

11 I think your comment is a fair one with respect to  
12 a better milestone schedule. Clearly, the discussion that  
13 we have had thus far in terms of having a better  
14 understanding of what FBI's schedules and plans are and how  
15 they link together is a fair comment and it is something we  
16 can do.



17 CHAIRMAN DICUS: Thank you.  
18 Commissioner McGaffigan.  
19 COMMISSIONER MCGAFFIGAN: I have several  
20 questions.  
21 Our exercises as we have conducted them thus far,  
22 which have all been radiation, radiological emergency  
23 exercises, are always the worst. Frank Congel ensures they  
24 are the worst disaster in the history of the nation. How  
25 often do we get to a Stafford Act declaration. My

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1 recollection is it's very rare.  
2 MR. CONGEL: Certainly not with any power plant  
3 accident.  
4 COMMISSIONER MCGAFFIGAN: In our exercises.  
5 MR. CONGEL: In our exercise we have. I know we  
6 have done it in one or two cases, because we have ended up  
7 having to explain to the participants what that means and  
8 point out some aspects of what we should be doing with our  
9 training. I know we have gotten to it.  
10 COMMISSIONER MCGAFFIGAN: Most of the exercises  
11 that I have gone through the state usually says "we've got  
12 it under control."  
13 My question. If a radiological event is triggered  
14 by a bomb, suspected bomb, terrorist attack, whatever, does  
15 Stafford Act immediately kick in or not?  
16 MR. CONGEL: No.  
17 COMMISSIONER MCGAFFIGAN: So that is still a  
18 question. The fact of FBI involvement doesn't kick you into  
19 Federal Response Plan; we could still be in Federal  
20 Radiological Emergency Response Plan.  
21 MR. CONGEL: We could still be in FRERP.  
22 COMMISSIONER MCGAFFIGAN: FRP is only if the  
23 Stafford Act is declared, as I understand it.  
24 MR. CONGEL: That's true. Remember, the Federal  
25 Response Plan is triggered on the basis of the state asking

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1 the federal government for support because it is being  
2 overwhelmed with the needs. That is a step that has to take  
3 place, and the President does it. But the response  
4 capability that we have with the three principals agencies,  
5 ours as well as FBI and FEMA, we have authorization to  
6 respond to whatever is needed at our facilities without any  
7 declaration needed.  
8 COMMISSIONER MCGAFFIGAN: This whole structure  
9 that you have described to us, as I understood it, was based  
10 on the Federal Response Plan.  
11 MR. CONGEL: No.  
12 COMMISSIONER MCGAFFIGAN: The structure on page  
13 17.  
14 MR. MIRAGLIA: No. The intent is that under the  
15 emergency response plan these activities would take place  
16 and then these things would be feeding right in.  
17 MR. CONGEL: I was hoping to make that clear. I  
18 have oversimplified FEMA's boxes here. It would expand  
19 under an FRP or a disaster declaration, but the response  
20 here would take place or could take place under an FRERP.  
21 CHAIRMAN DICUS: I want to recognize the  
22 representative from FEMA.  
23 MS. WELDON: Good morning, Commissioner. I am  
24 Lisa Weldon. I work in the Response and Recovery  
25 Directorate at FEMA and I was the author of the terrorism

1 incident annex that you are referring to.

2           Regarding your questions on the Stafford Act, the  
3 Federal Response Plan can be activated prior to the  
4 declaration being issued by the President. In fact, if you  
5 look at the Oklahoma City bombing, we were activated and  
6 deploying assets within two hours. The declaration itself  
7 did not come until eight hours later. Via modern  
8 electronics we can be told when a situation is clearly  
9 catastrophic and to start moving, and we do.

10           Regarding the nuances of the declaration process,  
11 yes, typically for major disasters we do wait for the state  
12 to request for major disaster declaration. Under 501(b) the  
13 President can exercise his authority to send us in without  
14 waiting for the governor's request, and that is exactly what  
15 was done for Oklahoma City. It was clear to all of us  
16 watching CNN that it was bad and that we needed to start  
17 doing things, and we did.

18           COMMISSIONER MCGAFFIGAN: Our time is limited, so  
19 I am going just try to get on with the rest of the  
20 questions.

21           CHAIRMAN DICUS: Thank you very much.

22           COMMISSIONER MCGAFFIGAN: We have a difficult time  
23 with communications, at least in some of the exercises I've  
24 been involved in, even with just being us. If this joint  
25 operation center is somewhere else aside from where we have

1 the rest of our site team, the communications issues of us  
2 trying to communicate with the people who are actually  
3 trying to handle the emergency at the site, the FBI trying  
4 to coordinate with wherever its people are -- maybe they are  
5 all going to be there -- FEMA people trying to coordinate  
6 with wherever their people are, and then the state and  
7 locals in several places, it strikes me at some point  
8 tabletop may be the minimum, but there is a major set of  
9 communications issues that we have worked out. We know how  
10 we would handle it. You guys go through these exercises.  
11 It might even be better to have our location, even though we  
12 can't absorb 40 FBI agents, setting up tent posts next door  
13 or something. I don't know.

14           If you have a proliferation of these command posts  
15 all trying to report into this center and the other  
16 complication is -- in this chart the NRC DSO, I assume the  
17 Chairman by this time has made the DSO -- it presumes the  
18 Chairman has delegated to the site representatives --

19           MR. CONGEL: Yes.

20           MR. MIRAGLIA: That's correct.

21           COMMISSIONER MCGAFFIGAN: Is that the practice of  
22 the other agencies? Does everybody tend to make this person  
23 supreme and have all the authorities under the emergency  
24 laws, or will there be lines back to headquarters of each of  
25 these folks in addition?

1           MR. CONGEL: On-scene commanders have authority  
2 similar to the authority we vest in our director of site  
3 operations.

4           COMMISSIONER MCGAFFIGAN: They do?

5           MR. CONGEL: Yes.

6           COMMISSIONER MCGAFFIGAN: What about the  
7 communications issue?

8           MR. MIRAGLIA: I think what we were trying to show

9 is that there is that type of linkage, but if it's a real  
10 large activity, it is going to be augmented. We would  
11 probably have someone on site and be a one-to-one link to  
12 someone in the joint operations center, and I think the  
13 other agencies would have that same kind of linkage.

14 COMMISSIONER McGAFFIGAN: All these threat  
15 exercises we have gone through happen in 30 seconds; the  
16 triggering event to the radiological consequences happens  
17 immediately. Hopefully there is some delay in the  
18 radiological consequences. We may be having to make  
19 decisions very promptly, and others as well.

20 One of the thoughts I had here is, what if the  
21 local enforcement has to come in and help catch the bad guys  
22 or do whatever it is to mitigate them? They are also in our  
23 emergency plans helping to evacuate. If the bad guys are  
24 driving down the main highway and we are trying to get them,  
25 does that delay evacuation? And who makes the tradeoff --

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1 I'm sure it's the FBI because they are now in charge -- as  
2 to whether we delay evacuation in order to catch the bad  
3 guys or whatever?

4 MR. CONGEL: I wouldn't say that they make that  
5 ultimate decision. What is envisioned by the joint  
6 operations center are the top people for each one of these  
7 respective functions doing it together. You have to weigh  
8 the information.

9 COMMISSIONER McGAFFIGAN: What if this happens  
10 before the joint operations center is set up?

11 MR. CONGEL: That's another issue.

12 MR. MIRAGLIA: In the context of the existing  
13 emergency response plans, we would be taking the actions  
14 necessary.

15 COMMISSIONER McGAFFIGAN: I think we need the  
16 tabletop or other thought process exercises.

17 CHAIRMAN DICUS: I think we are making that clear.  
18 Commissioner Merrifield.

19 COMMISSIONER MERRIFIELD: I want to go back to  
20 slide 16. This goes somewhat to what Commissioner  
21 McGaffigan was talking about. We have got different  
22 operation centers in different places with different people,  
23 and the slide doesn't make it very clear to me who is where  
24 and where is where.

25 I am wondering if we might be able to get an

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1 additional piece of paper that would spell out the different  
2 centers, where they are located, at what point they would be  
3 initiated, and who the participants would be at those  
4 centers just so it's clear, to clarify it for me.

5 MR. CONGEL: We certainly can provide that.  
6 Looking at this slide now in light of the comments, we have  
7 used the boxes to indicate steps in the response as well as  
8 perhaps infer locations. That may have made this more  
9 complicated than it should have been. What I wanted to  
10 really convey, though, is that with enough time, without  
11 things going really rapidly, where you have a chance to  
12 organize a response, as indicated in the joint operations  
13 center, that is where the top level decisions will be made.  
14 The support organizations go into each one of those top  
15 level decision maker's minds and the input comes from --  
16 slide 17 -- their existing substructure.

17 I certainly will prepare for you, Commissioner, a

18 different presentation of this.  
19 MR. MIRAGLIA: You'd like a time line as well.  
20 COMMISSIONER MERRIFIELD: Part of this goes to the  
21 very questions that Commissioner McGaffigan was asking.  
22 Some of the more significant events associated with  
23 potential bad guys may happen very, very quickly, before any  
24 of this stuff really gets together, and there are some  
25 immediate decisions that may be made that could be critical

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1 as to how those plans are operating. I think getting an  
2 understanding of that as well is important.  
3 MR. CONGEL: As a point of information, during the  
4 establishment of this bigger organization there is the  
5 communication by phone; there is our own internal rapid  
6 response while our own site team is mustering and getting  
7 ready to go to the site. We have similar issues to deal  
8 with, and we do deal with them in a progressive way.  
9 What I apparently didn't spend enough time on here  
10 is showing those intermediate phases, but on the far right  
11 the time line was intended to give approximate frames of  
12 reference on how things take place: the naming of the  
13 commander; the activating of our ops center within about the  
14 first hour. While these other activations and notifications  
15 are taking place, we have coordination by telephone of  
16 decision makers.  
17 It's a rough time period, two to six hours,  
18 depending upon where the site is, how many people are going,  
19 the time of day and night, and so on. Until we get a  
20 permanent structure in place to deal with it, it could be as  
21 much as six to 12 hours, but in that intermediate time we  
22 could run it to very important decision points, and the  
23 structure that we have there is the rapid fulfillment of our  
24 positions here at headquarters, for example.  
25 COMMISSIONER MERRIFIELD: Some of those decision

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1 points will create a potential conflict.  
2 MR. CONGEL: It certainly could.  
3 COMMISSIONER MERRIFIELD: A conflict between our  
4 efforts to protect health and safety through appropriate  
5 operation of the plan and at the same time an intention of  
6 the FBI not only to neutralize the bad guy, but also conduct  
7 appropriate criminal activities for securing evidence and  
8 things of that nature. So there are potential conflicts  
9 here. These are two very compelling but certainly  
10 potentially competing priorities.  
11 Do you have a comfort level with the discussion  
12 that we have had that the memorandum of agreement will  
13 resolve those potential conflicts?  
14 MR. CONGEL: We have had to deal with that issue  
15 in the past. It's not something that is new. We could use  
16 as an example the Oklahoma City disaster. The FBI had to  
17 balance its crime scene investigation with the rescuing of  
18 survivors as well as the recovery of the bodies. It's not  
19 something that is unknown, but the expectation is that the  
20 decision will be made collegially by senior officials with  
21 responsibility for carrying out their duties. That is  
22 indicated in our MOU right now.  
23 COMMISSIONER MERRIFIELD: Not to joke here, but  
24 it's the expectation of Congress that this Commission will  
25 also act collegially. It hasn't always in the past; it

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1 currently is now and in the recent past. Expectations and  
2 reality don't always necessarily coincide.

3 MR. MIRAGLIA: In terms of the overall plan, it is  
4 recognizing that there are roles for each of these agencies  
5 to fulfill their responsibilities. I think it has been  
6 clear in all of the plans, regardless of what aspect of the  
7 plan, whether we are under FRP or FRERP, in terms of the  
8 lead. The lead is for a coordinating function.

9 I think the planning activities recognize that  
10 each office and each division and each federal agency has  
11 responsibilities to fulfill. I think there is recognition  
12 that there are these kinds of conflicts and these balances  
13 and tradeoffs, and that is why it is trying to force those  
14 decision makers into a common place so they can consider and  
15 make those kinds of judgements.

16 The lead for coordinating is to this agency with  
17 the aspects of radiological health and safety, with respect  
18 to our licensees. I think the FBI would look to us; I think  
19 FEMA would look to us in that kind of context. That has  
20 certainly been our experience to date in terms of  
21 observation of how we have operated in the past, and I think  
22 what we are doing now is defining additional roles and  
23 responsibilities to make sure that we can operate in that  
24 kind of way.

25 COMMISSIONER MERRIFIELD: Going back to slide 8,

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1 the last bullet, "NRC/FBI will coordinate all information  
2 provided to media, Congress and White House." All of the  
3 Commissioners have conducted exercises where we have people  
4 call us, elected officials and others. If we get a phone  
5 call from a member of Congress, how are we supposed to  
6 respond to that in our coordination role with the FBI?

7 MR. MIRAGLIA: In terms of on the fly, once you  
8 have that JCO there will be a joint public information  
9 center at the site. I think each of the agencies will  
10 probably have to communicate with one another through those  
11 headquarters links to make sure we are sharing information,  
12 and we will have to provide responses as an event unfolds.  
13 Once the site teams are established, that's where all the  
14 information would come out in a coordinated way. I  
15 understand your concern.

16 MS. TEN EYCK: I think a very important point to  
17 mention here is that if it is a malevolent event, we have  
18 the responsibility to coordinate with the FBI before we make  
19 any public statements about it because of the potential  
20 criminal involvement in this. That is something that we  
21 have always had to focus on in past exercises, although we  
22 haven't had any in years, the fact that unlike what we  
23 normally do in responding to questions from the public and  
24 coordinating with the different entities, in these types of  
25 events we have to screen this type of information through

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1 the FBI before we can make statements regarding that, and  
2 that is something different, something we don't normally do.

3 CHAIRMAN DICUS: You're talking about press  
4 releases, advisories, things of that nature. What I think  
5 the Commissioner's question went to, and he'll correct me,  
6 I'm sure, if I don't have it right, is we have our  
7 exercises, which you well know.

8 Suddenly I'll get a call from a senator or a  
9 governor, and I've got to take that call. I can't put those

10 people off. I can maybe put them off five minutes or so,  
11 but I have to take that call, because they want to talk to  
12 the Chairman or they want to talk to whoever is leading the  
13 executive team, or to a Commissioner if that has been  
14 delegated to a Commissioner. I think that is the heart of  
15 the question. How would that coordination be in that case?

16 MS. TEN EYCK: I think that is something that we  
17 need to work out, because the FBI has always stressed to us  
18 that anything that goes out to the public -- maybe in the  
19 case of the Congressman or something you would have to say,  
20 we can only talk maybe to focus on the radiological concerns  
21 and not anything that could potentially impact on the  
22 investigation. These are the types of things that have to  
23 be worked out.

24 COMMISSIONER MCGAFFIGAN: That's a very important  
25 clarification. In all honesty, I don't think you could. In

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1 the CNN age, this thing is going to be happening on CNN, and  
2 we cannot sit there and say we're not going to tell you  
3 whether there is a plume headed towards the town next door.  
4 We're going to tell you whether there is a plume headed  
5 towards the town next door. We won't tell them whether  
6 terrorists caused it.

7 MR. MIRAGLIA: That's exactly the point. The  
8 Federal Radiological Emergency Response Plan would say we  
9 would dialogue in a certain kind of way.

10 COMMISSIONER MCGAFFIGAN: Our responsibility is to  
11 make sure the health and safety is protected. I don't think  
12 us telling the folks what we are doing to deal with the  
13 radiological emergency and providing them with the facts  
14 with regard to the radiological emergency is in any way  
15 going to impede the FBI investigation, and if it does, in  
16 that case, if I were in charge, I would get the information  
17 out without having to make a coordinating call to the FBI  
18 saying, is it okay to say whether there is a plume?

19 MS. TEN EYCK: I think that's the importance of  
20 having exercises. We haven't had any type of an exercise,  
21 and these are the types of issues that are worked out  
22 through exercise, to learn where to draw the line and what  
23 particular areas we can talk about independently, if any.

24 COMMISSIONER DIAZ: The priority that must be  
25 given to public health and safety should be clear and

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1 unambiguous.

2 MR. MIRAGLIA: The point I was trying to make in  
3 terms of the observation to date, I think the plans  
4 recognize the role for public health and safety.

5 MR. CONGEL: There is only one other point I want  
6 to make. What I see here is a charter for me and my staff,  
7 and that is we need to go into the next level of exercise.  
8 We go for a rapid response. We primarily test the speed  
9 with which we can muster an effective team. During that  
10 time we are very much in charge of everything. Not only in  
11 charge, but responsible for a lot.

12 As all of you know, when we do the turnover to the  
13 regional administrator on site, we basically then go into a  
14 critique mode to see how we did up to that point.

15 Some of the points that you are making now are the  
16 things that would actually be taking place in the  
17 operational mode where we have our DSO running things for us  
18 at the site. The kinds of things, Commissioner, you said,  
19 where there is a plume perhaps going in the northeast

20 direction, that would be handled by our people on site.  
21 COMMISSIONER MCGAFFIGAN: It could happen before  
22 we do the passover and the exercise, especially if it's the  
23 result of a 30-second attack which sets a bomb off.  
24 MR. CONGEL: Right. The timing aspect does indeed  
25 present some other issues. I think some of the points that

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1 are being made here would be addressed going into the next  
2 phase of response. There are two aspects: very fast timing;  
3 the other part is what role do we play here at headquarters  
4 when we do the turnover to the site?

5 We still have communication links that we would  
6 have to state, but it would be from a different, bigger  
7 picture perspective than prior to our people arriving on  
8 site. Let me take that as an assignment to deal with a  
9 tabletop that does go to that level. Obviously there are  
10 aspects that we haven't discussed enough.

11 CHAIRMAN DICUS: Follow-up?

12 COMMISSIONER MERRIFIELD: I agree with  
13 Commissioner McGaffigan. I think we do need to go to that  
14 next level of detail and be ready for that. If we get those  
15 phone calls, we are going to have to provide the appropriate  
16 information. It's give it to me now or give it to me later.  
17 If we obfuscate, that goes against our public charter. I  
18 certainly don't want to go up to Capitol Hill and try to  
19 explain to a congressman why I couldn't give him a straight  
20 answer when he asked me a straight question. That would not  
21 be appropriate.

22 I did have one last question. We touched briefly  
23 on the fact that there is increased funding available for  
24 terrorist activities. Obviously our agency is challenged  
25 for money. I am wondering to what extent you all have taken

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1 a look to analyze if there may be some small piece of that  
2 that might be appropriate for us to try to go after, either  
3 to enhance some of our current capabilities or to build up  
4 and relieve some burden where perhaps it is not  
5 appropriately set right now. Have you taken a look at that?

6 MR. MIRAGLIA: I don't think we have made a  
7 crosscut within the budget exercise.

8 MS. TEN EYCK: Not within our budget exercise, but  
9 we have tried to explore opportunities working through the  
10 NSC to identify our needs and to get some of the money from  
11 the big pot that NSC is involved in. To date we have not  
12 been successful. They have been dealing with the big needs  
13 of other agencies, high dollar needs, and ours has not kind  
14 of risen to the surface because they have been so small  
15 compared to the needs of other agencies, but we are  
16 continuing to work with them. They have a five-year plan  
17 that we have contributed to, and we will continue to do  
18 that. It's just a question that we have not been successful  
19 to date.

20 COMMISSIONER MERRIFIELD: As they say, squeaky  
21 wheels are those that get the grease. We certainly have  
22 capabilities that could use enhancement. Certainly there  
23 are some things we could do better if we had increased  
24 resources. Perhaps if you provided the Chairman with the  
25 appropriate information, the Chairman and the Commissioners

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1 can be helpful.

2 MS. TEN EYCK: We have a Commission paper that is  
3 being staffed right now. It is in the early phases of  
4 concurrence. It will identify all of the new initiatives  
5 through the PDDs and identify some activities that the staff  
6 feels that they need to be able to support some of the  
7 activities that are under way, like the FBI request that we  
8 participate for coordination purposes on their NDPO, the  
9 National Defense Preparedness Office. We have something in  
10 process where we are looking at some NRC needs, but not to  
11 address all the issues that you have talked about.

12 COMMISSIONER MERRIFIELD: I'm certain Congress  
13 wants us to be fully prepared in our ability to respond to  
14 terrorist events, and if there are funding areas where we  
15 don't have the resources necessary to do that, then we need  
16 to be able to identify those and explain to Congress that we  
17 need some assistance.

18 CHAIRMAN DICUS: Commissioner Diaz.  
19 Commissioner McGaffigan.

20 COMMISSIONER MCGAFFIGAN: I would hope that it  
21 could come out of the general fund appropriation.

22 COMMISSIONER MERRIFIELD: I agree.

23 CHAIRMAN DICUS: Definitely not from our  
24 licensees.

25 Commissioner Merrifield, do you have anything

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1 else?

2 COMMISSIONER MERRIFIELD: Thank you very much,  
3 Chairman.

4 CHAIRMAN DICUS: You are quite welcome.

5 On behalf of my fellow Commissioners, I would  
6 certainly like to thank the NRC staff for the briefing today  
7 and for your efforts going forward.

8 I also want to give very special thanks to the  
9 representatives of the FBI and FEMA. We appreciate your  
10 taking time to be here. Your input was very helpful to us.

11 Clearly we have got a few marching orders. I  
12 think you know in the going-forward activities we need some  
13 schedules and time lines and begin to firm some things up.  
14 It is rather clear that we need some varied exercises that  
15 will begin to test these plans and test some of these  
16 questions that you have heard surface today on some of the  
17 unknowns. It is somewhat complex and complicated  
18 situations. We need to have some idea of how we might deal  
19 with these. I believe also there was a request for some  
20 additional functional charts for clarification.

21 Unless my colleagues have any further questions or  
22 remarks, this meeting is now adjourned.

23 [Whereupon at 11:25 a.m. the briefing was  
24 concluded.]

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