



THE NUCLEAR NEWS INTERVIEW

## Richard Meserve: Some final comments as outgoing NRC chairman

Richard Meserve left the Nuclear Regulatory Commission as its chairman on March 31 to become president of the Carnegie Institution of Washington. Meserve was NRC chairman for more than three years, succeeding interim chairman Greta Dicus in October 1999. (Dicus, an NRC commissioner whose term expires in June this year, succeeded Shirley Ann Jackson, who vacated the chairman position on June 30, 1999.) On March 31, President Bush designated Nils Diaz as chairman (see story in Power section of this issue).

Meserve was appointed chairman by President Bill Clinton, and his term of office was to have expired on June 30, 2004. Meserve told NRC staff on December 12, when he first announced his decision to leave the agency, that “the NRC is the most capable and effective agency in government . . . with a staff that stands out in its dedication and competence.”

Before coming to the NRC, Meserve was a partner in the law firm Covington & Burling, of Washington, D.C. He specialized in issues involving nuclear licensing, environmental law, and toxic-tort litigation, and he also counseled high-tech companies and scientific societies. From 1977 to 1981, he served during President Jimmy Carter’s term as legal counsel to the President’s Science Adviser, where he was responsible for policies related to energy, the response to possible nuclear accidents, and industrial innovation. Before that, he clerked for Supreme Court Justice Harry A. Blackmun.

The Carnegie Institution undertakes scientific research in a variety of areas, ranging from genetics and high-pressure physics to plant biology and the large-scale structure of the universe. Meserve has been on the Carnegie board for about 10 years. He said the chance to become president of the institution was “an opportunity that I cannot decline.”

During his final days with the NRC, Meserve talked about his time as the agency’s chairman. The interview was conducted by Rick Michal, *NN* senior associate editor.

*His perspective on Indian Point, Davis Besse, and security at nuclear power plants.*



**Meserve:** “NRC is the most capable and effective agency in government.”

*There has been an armful of issues during your term as NRC chairman. Let’s start with September 11 and the resulting focus on security of nuclear facilities and materials, including a revision of the design basis threat. Could you comment on how the NRC has handled those issues?*

Let me start by saying that I think the nuclear industry and what it has done regarding security is a model for civilian infrastructure in this country. There was serious security in place at nuclear plants before September 11, and it has been augmented significantly since then. The result is that nuclear plants establish the gold standard in protection for civilian infrastructure in this country—nuclear plants have far more capabilities for defense than any other type of civilian facility.

The NRC is now trying to think through the problems of establishing a permanent regulatory regime covering security. Obviously, September 11 revealed a need for the NRC to make some changes. That’s proving to be difficult, in large part because of the challenge of defining the boundary between those activities that are appropriate for a private licensee and those that should be the responsibility of government. For example, we ought not to expect a private security guard force to have certain military capabilities. Defining the line has proven to be very difficult and controversial. The nuclear sector is several years ahead of the rest of the civilian world in having to confront this issue, in large part because the nuclear industry has such serious security capability in place, and, unlike the rest of civilian infrastructure, it is fair to ask how much more should be asked of the industry.

*What about the ongoing debate about Indian Point’s emergency plan?*

The Indian Point plant, in New York, is in a densely populated area and there are concerns about the adequacy of the emergency plan. The NRC is working with FEMA [the Federal Emergency Management Agency] to make sure that there is an emergency plan that would be effective at that site. In a response to a query by Sen.

[Hillary] Clinton, I answered some questions indicating that events that could occur as a result of terrorism at Indian Point were not dissimilar to those that are the normal part of emergency planning, referring specifically to the magnitude of possible releases and their timing. But issues have been raised about whether there might be some unique aspects of terrorism that could affect offsite performance and so forth, and those are all fair game for reexamination.

The NRC has to satisfy itself that there is an adequate emergency plan at Indian Point. There was a recent report issued by the former head of FEMA, James Lee Witt, that offered some recommendations on improving the emergency plan. FEMA and the NRC are reviewing that report carefully, and we're trying to work with the state and local authorities to make sure that any necessary modifications of the plan are in place promptly.

*Do you have comments on the vessel head corrosion at Davis-Besse and its effect on the industry?*

I am very confident that the industry will not have a repetition of the Davis-Besse issue, because everyone in the industry is very attentive to the issue of corrosion. Necessarily so. The NRC was obviously quite surprised by the results of the inspection that showed there was such significant head corrosion at Davis-Besse. The NRC has tried to make sure that the lessons have been learned from this activity. We had a major effort of examining the NRC's own processes in this. We're certainly not blameless in this event.

I know that the licensee, FirstEnergy, has been making major efforts to restore the plant and put it in a position so that we can be comfortable in authorizing restart.

*What are your comments regarding the government's bureaucratic process and working with Congress?*

Process is important because it is essential that knowledgeable individuals both inside the agency and outside it have input into our decisions. At times, the bureaucratic process can be cumbersome, but it is essential for guiding the Commission to the correct decisions. Of course, we should try to be efficient and timely in our decision-making as well.

You also asked about Congress. The NRC is an agency that has important responsibilities to protect public health and safety and to ensure the common defense and security. Part of that process necessarily has to solve and resolve public concerns about nuclear operations. So an essential ingredient of this job is having an interaction with the public and its representatives to make sure that they are comfortable with the things that we're doing and things that we're requiring.

I think it's an inevitable part of the NRC's business that we get questioned from time to time by members of the public and Congress. They're doing their job when they do that. We should be fully prepared to explain why we've made the decisions we've made and be held accountable for them. That to me is an essential part of being an effective regulator.

*What accomplishments as chairman are you most proud of?*

I have been extraordinarily pleased with all that my colleagues, the NRC staff, and I have accomplished over the three and a half years that I've been here. There isn't any

one thing that is ahead of the others, because I think we've made progress in a lot of areas that are important.

Let me run through a handful. First, we have done a lot in the security area. In fact, the NRC has reason to be proud of all that's been accomplished in dealing with the security challenges we confront.

Second, we've been contributing to safe nuclear power and its contribution to the nation's energy supply. We have had, as you indicated, the Davis-Besse episode, but that was one that we were prepared to confront forthrightly and make sure that any issues associated with it are resolved. Other accomplishments include effective-

ly dealing with license renewal and power uprates.

I would also point to the fact that we've been preparing for the next generation of nuclear reactors. In that regard, we expect to receive three Early Site Permit applications this year, and we have a whole fleet of different reactor designs that are either in review or are in discussion for possible design certifications. We've also put in place a regulatory system that lays the foundation for new construction.

We've made progress on risk-informed regulation, including work on the rules governing special treatment, combustible gas

ty that I couldn't pass by. It is with great regret that I leave the NRC because I think it's a wonderful organization.

*You were selected as chairman by a Democratic president, Bill Clinton, and ended your term under a Republican, George Bush. Could you comment on similarities and differences of the two administrations in their focus on the NRC?*

One thing about the nuclear field is that the regulatory aspects of it certainly are not partisan in the political sense. No one could tell, for example, from the votes of my colleagues on the Commission which of them

are Democrats and which are Republicans. The issues don't sort out that way. Similarly, my interactions with others in the two administrations I've served under had a nonpartisan flavor to them. I've obviously had different people to work with in

the different administrations, but that has not affected what I've done or how they've interacted with me.

So, in the area in which the NRC works there has not been an issue where I have seen strong distinctions between Democrats and Republicans. I have had very favorable relations with both the Clinton administration and the Bush administration in the course of my work here.

*How do you see the state of the NRC as you leave it?*

I think it's strong. We have, as I mentioned, a large number of important initiatives that we've accomplished or have under way. We're dealing with human capital issues in ways that are very productive. The budget has grown over the time that I've been here, which has enabled us to meet the growing challenges. We now have a focus on security that is appropriate to the times. I think the NRC was a strong institution when I came, and believe it is stronger now.

*Be prescient—when is the repository at Yucca Mountain going to open?*

There are a lot of steps that have to be taken before the repository opens. The NRC is part of that decision process, and obviously Yucca won't open unless there is a license that the NRC issues. So I think it would be inappropriate to hazard a guess when Yucca Mountain will open because this is going to be an issue that is going to be before the NRC. I don't want to leave any implication that either I or my colleagues have prejudged the issue of whether the Department of Energy is going to have a successful application.

*How soon on the horizon is the next generation of reactors?*

If you asked me this question a year ago, I would have said we would see an application to build a new reactor within the next year or two. I think that's been slowed down as a result of the state of the economy and the fact that we now have an overcapacity of electrical generating capability in many parts of the country. So there isn't the market demand right now for new construction.

I think that this may slide things another year or two. But I am someone who believes that the NRC is going to see applications for new construction. But this is not something that the NRC is going to determine by itself. We have applicants for Early Site Permits and vendors interested in certification of designs. I think these actions show that relevant parties believe there is a potential market that is sufficiently real as to justify laying the foundation for new construction now.

*You mentioned the human capital effort for the NRC and that things are looking good in that regard. What about manpower issues for the industry as a whole? It's been an issue for several years now.*

We all have a challenge—our educational institutions are not producing the people with the training that is going to be needed by the nuclear industry, the vendors, and the NRC. We're all competing with each other for a small pool of people, and we all have a common interest in having that pool be larger.

However, these things usually do sort themselves out. As the opportunity for jobs is recognized, students will behave rationally and will see the opportunity in nuclear-related work. But there is always a timing problem, in that it takes several years before the educational pipeline can supply more people. I think we're in a phase now where we can see the demand for people, both at the NRC and elsewhere, but there are not enough graduates in the relevant fields. As a result, we have to take steps to encourage people to get into the relevant disciplines.

*What is your legacy as you leave the NRC?*

I've covered some of the areas where I think we've made great progress. Although I cannot claim all the credit, I hope people will see that I have left a strong and capable institution.

*Who is going to succeed you as permanent chairman?*

It's the White House's responsibility to sort this out. I do know the President's staff is looking at several candidates to replace me. But since nothing will happen immediately, there will be a need for someone who's designated as chairman on an interim basis until a permanent chairman is appointed. We'll just have to see what materializes. ■

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control, and emergency core-cooling systems. And we've revised the Reactor Oversight Process using risk as a central tool.

We've put in place the framework for dealing with an application for a disposal site at Yucca Mountain. We've done a lot of work in bringing our controls on nuclear materials up to date. We've made major efforts within the NRC regarding information technology—harnessing IT as a way to communicate not only within the NRC staff, but also between the NRC staff and the public.

And I think we've made a lot of progress in the human capital area. When I arrived at the NRC, the ratio of people over 60 years of age to those under 30 was 6 to 1. Now we have cut that ratio down to 2 to 1 because of a lot of hiring. We've made extensive efforts to recruit good people, retain our own good people, and upgrade training. This agency centrally depends on its staff, and we need to continually monitor the human capital issues.

So there are an assortment of different things on which progress has been made during my term. I'm not going to claim credit for all of them. This is a joint effort of the entirety of the Commission and the staff, and no one person can claim credit for it all.

*What are your disappointments?*

I really don't have any serious ones. One always regrets the things where maybe more could have been done. But this has been a rewarding job and it's a bittersweet moment for me to think about leaving. I was not looking for the Carnegie job, but it came along and, because I had just a little more than a year left on my term as chairman, I concluded that it was an opportuni-