NRC NEWS

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REMARKS BY NILS J. DIAZ, COMMISSIONER
U.S. NUCLEAR REGULATORY COMMISSION

at the

AMERICAN NUCLEAR SOCIETY 2002 WINTER MEETING

ANS JOINT PLENARY: EMERGENCY PREPAREDNESS AND RESPONSE-INTEGRATION OF SECURITY AND EMERGENCY PREPAREDNESS TO MEET HOMELAND SECURITY INITIATIVES

November 18, 2002
Washington, DC

I am pleased to make a few remarks on the Integration of Security and Emergency Preparedness. I certainly would have been honored to introduce Major General Bruce Lawlor and was looking forward to hearing his remarks. General Lawlor is serving as Senior Director of the Protection and Prevention Directorate of the Office of Homeland Security. The Directorate provides policy coordination within the U.S. Government pertaining to critical infrastructure protection; medical and public health; food, agriculture and water supplies; weapons of mass destruction; borders; and all forms of transportation.

Unfortunately, General Lawlor is sick, a lot sicker than I am, and will not be able to participate in this meeting. He called me this morning to express his regrets, and asked for a rain-check, or a flu-check, whatever. I am not precisely at my best either, but I'm all that you've got. You are going to get eleventh hour remarks primarily on nuclear security and emergency preparedness. My comments are my own and do not necessarily reflect the opinions of the Commission, or General Lawlor for that matter. I know you have a very interesting group of presentations to follow, so I'll stay on the high ground.

National security has always been a major consideration for the United States of America. Now, it has a new dimension and urgency because internal national security is a dominant concern for the country, and could remain so for quite some time. In the aftermath of the September 11 attacks, the nation had to re-assess the strengths and vulnerabilities of our country's critical infrastructure ---

quickly and effectively. Much has been accomplished, yet much remains to be done to decrease vulnerabilities and further develop our defenses to safeguard our people and our nation. Since I did not plan to deliver this address, I will rely on a few of my favorite statements to punctuate some of my deeply held beliefs. For example, on the issue of decreasing our vulnerabilities and further developing our defenses, I believe we should not forget that:

> "There is no such thing as zero risk. There is only one way to get zero: $0=10^{-\infty}$"

and

> "The level of adequate protection, need not, and almost certainly will not, be the level of zero risk" (...this borrowed from a federal court while addressing NRC responsibilities...)

The pursuit of zero is almost always foolish and wasteful. There are better things to do; and we should not forget them.

Furthermore:

> "Public policy should not be based on worst case scenarios."

> "We have to deal with probabilities and not with all possibilities."

Worst case scenarios are only good as vehicles to achieve the proper bounding of realistic scenarios. Mother Nature and human actions take care of most worst cases and make them not so bad. Public policy, while necessarily conservative, should not be driven by non-physical or unrealistic assumptions. Worst case assumptions are often considered as a first step and are used because they are simple. But, what I frequently see is that they continue propagating to become part of the established framework. Unrealistic conservatism always finds friends; not me. Rather than using worst case scenarios, I am for using realistic conservatism --- based on the right science --- so that the end product is still recognizable as a realistic scenario.

Therefore, I want to emphasize that I do not believe the doomsday scenarios being portrayed for nuclear facilities or recently for spent fuel casks because, among other things, they do not take into account the limited health and safety consequences that realistically can be expected, nor do they consider the decisive and powerful resources that the country would use to interdict and mitigate the consequences of terrorist attacks on any of our facilities that have hazardous materials. In addition, licensees and the U.S. Nuclear Regulatory Commission maintain very effective and frequently tested emergency plans whose sole purpose is to reduce hazards to the public. And every one of the aspects of the public health and safety issue is being improved even further. I can assure you that our licensees, the NRC, and Federal, state and local officials, work together to achieve a high degree of safety and security.

I am frequently asked whether a containment or other structure would be damaged by the impact of a 747 loaded with fuel. Let me give you the right answer to the wrong question. I firmly believe that there would not be significant health and safety consequences for the public from radiation in the very unlikely scenario of that type of attack, even if the containment is breached or other structures failed. It is not possible to bring to zero the possibility of plant structural or systems failure, but it is reasonable to state that the American system of protecting our citizens today will not fail. Specifically, there would be a very small number or no prompt fatalities in the unlikely case of such an attack, and we will

mitigate and manage any latent effects. We will take care of our people, promptly and passionately, taking risks to minimize risks. Make no mistake, America will deliver the necessary responses to protect public health and safety, and therefore, there will be no "American Chernobyl."

The integration of security and emergency preparedness is driven by the new internal national security initiatives, and cuts across all sectors of the critical infrastructure of America. And I do mean all, although many headlines are focused on two sectors of the critical infrastructure: aviation and nuclear. The aviation infrastructure has been the most challenged and changed, for very good reasons. We now have a federalized security organization in our airports and a multitude of other key security improvements. Tremendous efforts have been made to address this critical concern. Security associated with the commercial nuclear industry, for which the NRC has substantial statutory responsibility, has attracted much attention. Having a questioning attitude, I question some of the reasons for the amount of attention. Nuclear facilities with a higher risk profile had good physical security before 9/11, and I can confidently state that, after the many improvements made in the past year, they have much better defensive capabilities to meet today's threat scenarios. However, there is also no doubt that the nation needs to prepare and provide whatever additional capabilities are needed for the unexpected threats beyond licensees' capabilities, just as we would do for any other sector of the critical infrastructure. And, the NRC has been doing just that, through security related orders, coordination with other agencies, and a multitude of other actions. I believe in very strong internal defensive capabilities for nuclear power plants and I believe in the very strong external support that has to be deployed, as needed, by federal, state, and local authorities. This external dimension is primarily the responsibility of OHS, other leading Federal agencies — in cooperation with state and local officials — and the NRC. In this regard, I am sure that OHS has been, and will continue to be, instrumental in establishing the necessary coordination and further integration of law enforcement and emergency preparedness. I strongly support the intervention of the government to deal with "enemy of the state" threats, an intervention which to me now begins at the orange level and is deployed at the red threat level.

Integration of U.S. security and emergency preparedness policies and the integration of their implementation is a national need that appears soon to become the statutory responsibility of Homeland Security. I have, of course, focused on the nuclear infrastructure because I know it better, but there is a large and "critical" need to integrate the capabilities and preparedness of many of the other sectors of the critical infrastructure. These efforts will have many beneficial effects nationwide, and in my view will underscore the quite adequate physical security and emergency preparedness status of nuclear power plants.

The U.S. NRC has been interacting and coordinating with OHS since its formation, and I believe quite fruitfully.

If General Lawlor had been here, I hope he would have said that it has been relatively easy to integrate activities with the NRC. I believe the capability of our sister Federal agencies and the NRC to effectively deal with physical security and emergency preparedness has served the country well during these turbulent times. I am sure, that as we go forward, the many lessons learned from these interactions and the resulting activities will serve to establish the requisite framework and coordinating protocols to discharge our joint responsibility to protect public health and safety, the environment, and the common defense and security.