



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION  
Office of Public Affairs Telephone: 301/415-8200  
Washington, D.C. 20555-0001  
E-mail: [opa@nrc.gov](mailto:opa@nrc.gov)  
Site: <http://www.nrc.gov>

---

No. S-08-031

**“NRC and the States: Working Together for Nuclear Safety”**  
**Prepared Remarks of NRC Chairman Dale E. Klein**  
**Organization of Agreement States**  
**Columbus, OH**  
**August 18, 2008**

Thank you, and good afternoon, my fellow nuclear regulators.

I thought we had a productive discussion last year, when I participated in your annual meeting in Oklahoma City; and I am looking forward to talking with you again, and hearing your questions and concerns.

As you may know, I am a strong supporter of the Organization of Agreement States, and the principles that underlie it. In my view, the more the regulator understands about the environment in which the licensee operates, the better. The Agreement States represent a variety of different populations, cultures, geographies, and priorities—and a regulatory framework that can accommodate those differences will be more efficient than a centralized, one-size-fits-all approach.

That isn't just my opinion. It was also the opinion of a pretty smart guy named James Madison, who is regarded as the main author of the U.S. Constitution. Madison thought that some responsibilities are best handled by the federal government, but he also explained that what he called the “distinct and independent” needs of different communities are best handled by state and local authorities.

So I am very pleased to see that the OAS continues to grow, with Pennsylvania as the newest member. And I look forward to Michigan, New Jersey, and Virginia—which have announced their intentions to become Agreement States—becoming members in due course. Of course, the OAS has been growing not only in size, but also in the duties and responsibilities of the member states. This presents both challenges and opportunities. Let me share my perspective on a few of those, and then I would be happy to respond to your questions.

The first challenge facing all of us is the increased workload brought on by the renewed interest in nuclear power, and the corresponding increase in fuel cycle activities, such as uranium recovery. The NRC has already begun receiving applications for new or expanded conventional

milling and in-situ uranium recovery facilities and based on discussions with industry, we expect as many as 20 new applications in the foreseeable future. In fact, I will be making my first visit to a uranium facility in Wyoming later this week. And since Wyoming is not an Agreement State, I did not get in trouble with the organizers of this conference by impacting your meeting! But I recognize that increased uranium recovery activity does present an additional workload for some of you, so let me offer a suggestion, as someone who has walked in your shoes.

When I served on the Texas Radiation Advisory Board, I learned how valuable it could be when states cooperate to share resources—whether through formal compacts, or even informal agreements to exchange advice and expertise. As all of us face new challenges brought on by the renewed interest in nuclear energy, I think that some creative thinking about interstate cooperation could be very valuable. This is something I have talked about before, and I continue to believe that some sort of regional compact, or arrangement between larger and smaller states, can help to share both burdens and expertise. One of the virtues of the Agreement State approach is its flexibility, so I would be interested in hearing from you about whether you think this is viable.

Another issue we face is disposal of low-level waste. A few years ago, we were forecasting a significant shortage of low-level waste disposal capacity. While I am still convinced that we need to expand capacity and increase the number of sites, the urgency has greatly diminished in recent years. Right now, more than half of the operating nuclear power plants have received, or are applying for, a 20-year license renewal—thus delaying the decommissioning waste that some expected might occur at the end of the initial 40-year license period. But, while I don't foresee any kind of immediate crisis, I do think that there are some potential concerns in connection with storing low-level waste at dozens of "accumulation sites," as well as the on-site storage of large components other than spent fuel at the reactor sites.

The deferral of large amounts of decommissioning waste also gives us an opportunity to address an issue that will need to be resolved sooner or later. I am referring to the continuous improvements in radiation detection technology, and the implications this has for the regulation of extremely low-dose sources; as well as how to communicate with the public about these sources. In fact, this is a matter we have already had to deal with—as those of you familiar with the tritium issue know.

In 2005, traces of tritium were detected in the groundwater around several nuclear power plants. A thorough analysis by the NRC—along with the EPA and other government agencies—determined that the tritium, while detectable, posed no threat to public health or safety. Cases like this will continue to arise as detection equipment becomes even more refined. Those of us in the regulatory community need to start thinking about how to deal with material that may still need to be managed, but poses no significant *radiological* hazard. And we need to be better prepared to explain to the public what risk really means.

Now let me address what is probably the biggest concern for all of you—and that is the new security requirements for nuclear materials, such as the fingerprinting requirement included in the Energy Policy Act. The original approach to materials security, prior to 9/11, addressed security through requirements on the safe use of such materials. That focus, and the culture that shaped the Agreement States model, did not emphasize the threat of malevolent acts. There was,

by and large, a presumption of good faith on the part of the licensee and its employees. But while it may difficult, or even painful, we have to accept that the old presumptions no longer apply. This is especially true when Congress passes legislative requirements.

This new reality is what is guiding the proposed expansion of the National Source Tracking System—which could include an additional 3,500 NRC and state licensees and nearly 17,000 additional radioactive sources, to improve accountability and control of radioactive materials. This will enable all of us to improve the security of radioactive materials while ensuring their continued beneficial use in industry, research, and medicine.

While the NRC is eager to give the OAS members an active role, we also recognize that your participation in these decision-making procedures is creating a strain on your resources—especially in conjunction with the increased control requirements that have been imposed on your licensees. I do believe, however, that we can work together to find ways to prioritize these tasks and get the job done.

The nation as a whole spends an extraordinary amount of money on safeguarding national security; and it is incumbent on all of us to do what we can to match the commitment of resources to the nature of the threat. Radiological sources have to be brought into a system, so that they can be appropriately measured and managed.

This will allow each of us to do our jobs better in the long run, and will permit us to fulfill our commitment to public safety and security more efficiently. I realize that this is a difficult burden right now, but I believe that once we get over this big bump, the road will flatten out again. In my view, it would be a mistake to be over-awed by this challenge, and try to turn back the clock to a time when the OAS had less significance, and fewer responsibilities.

Of course, the NRC is eager to help you when and where we can, since we are partners. That is why, when I spoke with you last year, I was pleased to announce that the Commission had unanimously approved the restoration of full funding of the training and associated travel costs for Agreement State staff to attend NRC-sponsored training. My fellow Commissioners and I believe that this program will foster consistency throughout the Nation in the skills of materials license reviewers and inspectors. So I was pleased when we were able to restore this funding, and—speaking for myself—I hope we can continue to provide significant support to the OAS members in this area.

But while the NRC can offer some help, I think all of you must recognize that a strong role for the OAS is beneficial to your states' individual needs and priorities. It is up to the states to ensure that their own interests are protected and advanced. I would urge all Agreement States, including those with relatively small programs, to take active roles in developing and maintaining the nation's regulatory infrastructure for radioactive materials.

While the NRC will help facilitate improved performance of state programs, it is still up to the states to ensure that there are sufficient financial and staffing resources to maintain robust regulatory programs.

At this point, I would be happy to respond to your questions.

Thank you.