



NRC NEWS

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RELATIONSHIP BUILDING

Prepared Remarks by

**The Honorable Gregory B. Jaczko
Commissioner
U.S. Nuclear Regulatory Commission**

**at the
National Radiological Emergency Preparedness Conference
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I am glad to have the opportunity to be here in St. Louis in the shadow of the Gateway Arch. This famous monument reflects the engineering abilities of our country, and its construction – two pillars meeting in the middle – represents a fitting analogy to our discussions today. The U.S. Nuclear Regulatory Commission (NRC) and the Department of Homeland Security (DHS) serve as the pillars at the federal level for radiological emergency preparedness (REP), and state and local officials play the central role of implementing emergency preparedness, supported by the work of those pillars.

Emergency preparedness is a crucial issue. Since I became a Commissioner, I have come to believe that it serves as a barometer for public confidence in the NRC – after all, it is the area in which our agency most closely interacts with the public and state and local officials.

Ever since 1979, REP has been handled jointly by two federal agencies. In December of that year, and in response to the findings of the Kemeny Commission investigating the Three Mile Island accident, President Carter gave the Federal Emergency Management Agency (FEMA) responsibility for reviewing offsite emergency preparedness while NRC retained that job for onsite REP and overall reasonable assurance of adequate protection determinations. The President singled out the importance of emergency preparedness in his comments at the time and decided to give more responsibilities in that area to the new all-hazards agency he had created.

I would like to talk a little today about how the relationship between these agencies has evolved.

But before I do, I would just like to reiterate how much people care about the work you do. It is not only crucially important, but it is often incredibly difficult. Emergency planning is complex, confusing, and multilayered – even before an incident occurs. I have made time to get a fuller understanding of these challenges by visiting over a dozen nuclear power plants and meeting with interest groups and local officials. I have driven on two-lane evacuation routes, viewed sirens, some that work and some that malfunction, and seen for myself what it means for a first responder to provide back-up route alerting.

At many of the plants I have visited, I have heard serious concerns that emergency plans will not work. So I have undertaken a detailed review of this area and have concluded that we have not done a thorough job at the federal level of figuring out exactly what it means for a plan to ‘work.’

For instance, I often hear that evacuations would take too long, but I am unable to point to a section of our regulations that explains how long they should take because there is not one. This lack of specificity leads to a situation in which there are different interpretations within your communities of what the acceptable level of radiological emergency preparedness is and uncertainties for licensees and community officials about what you need to do and how we will judge those actions.

Further complicating things is the fact that each community is different and is constantly evolving with or without the input of emergency managers. Just last month the Westchester County Commissioner of Emergency Services gave me a tour of the communities around Indian Point. We drove past new housing under construction and I asked if he had any input into development in the county that would make his emergency planning job more difficult. The answer for many emergency managers is probably ‘no.’ In reality, you inherit challenges – vulnerability infrastructure, hazards, and people in harms way – and you have to figure out how to incorporate an ever-changing landscape into an effective emergency plan. Then you have to work to garner enough attention and resources when things are quiet and tranquil and disasters are the furthest thing from anyone’s mind. And you need to ensure the public has confidence in your abilities so that they will listen to you and respond to your guidance in the event of an emergency.

One of the things I have focused on as a Commissioner is the importance of strengthening our agency’s communications efforts, and I am pleased to see that the NRC has been reaching out even more to the emergency management community to provide additional support to help you address these many challenges. The agency is pursuing an aggressive program of communication and outreach to identify areas where we can better support you, and we intend to help fix these issues by working together. One example of this increased initiative can be found in the agency’s efforts to address concerns raised about emergency planning for nursery schools and daycare centers around Three Mile Island. The NRC worked not only with DHS, but also with the Pennsylvania Emergency Management Agency to open a dialogue about the questions that had been raised and to develop a consensus approach for how to resolve them. I think this collaboration is a good model for the agency to follow to provide additional support to your efforts.

The agency’s communication efforts have also focused on strengthening relationships with state and local emergency managers through new forums such as the first public meeting on emergency planning, held in Rockville in August. And we need to ask for your expertise and comments as we continue the top-to-bottom review of our emergency planning program this year.

I began my talk with the decision by President Carter to take some emergency preparedness responsibilities away from the NRC and give them to FEMA – now the Homeland Security Department. To a certain extent, this distribution of onsite and offsite responsibilities still makes sense. DHS does all-hazards work with state and local emergency managers. The NRC continues to be responsible for onsite REP and for ultimately reviewing DHS offsite findings. It is important to emphasize, however, that the NRC has the ultimate authority and responsibility to ensure the adequate protection of public health and safety around nuclear power plants. We make the determination that the onsite *and* offsite arrangements are in place and can be implemented. If we cannot do this, the Commission has a responsibility to require a plant to cease operation.

Because of that enduring fact, and with the strengthening of the NRC's capabilities and expertise in this area, I believe it is time for the pendulum of responsibility for emergency preparedness to swing back from DHS to the NRC a little bit. With that increasing role comes a responsibility to take a fresh look at how we can better support state and local government emergency preparedness efforts.

Now, before I tell you some of the ideas I have about how to do just that, I must mention that the NRC is run by a Commission of five people. I only get one vote, but here are some of the things I believe need to change to enable the federal government to better support state and local radiological emergency preparedness efforts.

For instance, the process for renewing the licenses of nuclear power plants has been established in such a way that reviews of emergency preparedness are prohibited. I do not believe that was the appropriate policy decision. I understand the argument that emergency preparedness requirements are in effect at all times -- that licensees are required to update their plans annually and that onsite and offsite capabilities are exercised every two years. Yes, we are constantly monitoring these efforts, but I believe a license renewal application affords an opportunity to take a step back and review planning efforts.

This seems reasonable since we only grant an initial license to operate if the agency finds that the state of emergency preparedness provides a reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. While we then regularly assess compliance with plans in place, we do not periodically *reassess* that initial reasonable assurance finding – even if it was made decades ago – unless and until we find a serious deficiency in a biennial exercise. The way the process is established, therefore, the burden is on the government to uncover a deficiency, and not on the licensee to prove that a capability exists to provide reasonable assurance. I am concerned that this is different from the way we regulate other safety issues at nuclear power plants.

At the very least, the focus should shift back to the licensee when they submit an application for a twenty-year life extension for a plant. We should include a thorough review of emergency preparedness to confirm the reasonable assurance finding during the license renewal process.

This would be good public policy and a very valuable exercise. It would provide you – as the state and local emergency managers – with a forum to raise concerns, analyze and point out the changes that have occurred in your communities over the intervening decades, and suggest improvements to REP plans. It also represents a huge opportunity to improve public confidence in the licensees and all levels of government by demonstrating how seriously we take these issues.

I recognize that it's difficult to change this process now – the Commission acted some time ago and our agency has already approved many license renewal requests. But I believe that going forward this is an issue the Commission needs to reevaluate.

I have also discussed the concerns I have about our emergency preparedness regulatory structure and would like to offer a solution to these issues. The most important change that should result from our top-to-bottom review of emergency preparedness regulations is to develop a set of attainable goals to measure how well radiological emergency preparedness can be implemented.

I mentioned at the beginning of my speech the confusion of what plans 'working' actually means. We have the 16 planning standards detailed in section 50.47 of our regulations. We have Appendix E of our regulations which provides greater details about what those standards mean. We have an elaborate structure of requirements and guidance in place for licensees and state and local governments to ensure that plans which meet these standards are in place and are tested through drills and exercises, and we have dedicated and knowledgeable NRC staff to enforce these requirements.

What I do not see enough of in our regulations are clearly attainable goals and measures. Our rules lay out *procedural* requirements for the development and maintenance of plans, but lack specific criteria about how these plans should work. And what's more, because our regulations are mostly one-size-fits all, they do not take into account one of the fundamental principles of emergency management: that all disasters are local, that each community is unique and local emergency managers must have the flexibility to adopt individual and tailored solutions. Your challenge is to work within the detailed national guidelines and requirements established by the federal government and then adapt them to meet your individual needs. I worry that we have not given you enough clarity *or* flexibility to do that in REP.

This only makes your job harder. You cannot determine exactly what resources and information you need to do your job if you do not know what you actually need to be able to accomplish. And with the exception of some flexibility in the establishment of the size of the emergency planning zone, our regulations do not really allow you to customize your efforts.

For example, your planning effort would be much different if you only had to evacuate the 10-mile emergency planning zone around the plants in your state or community in two weeks. If you had 336 hours to evacuate, your job would not be nearly as daunting as if you only have eight hours. But our regulations do not tell you or our licensees what that evacuation time needs to be. They do not tell you what dose savings you need to be able to obtain. And you have limited ability to take into account the unique aspects of your individual communities and nuclear power plants.

There is one other issue which causes confusion in this area and that is the widespread perception that radiological emergency preparedness is equivalent to evacuation. Because there is such a belief among many members of the public that evacuation is the best option for a radiological emergency, any discussion about sheltering is seen as an admission that emergency plans will not 'work,' and rather than focusing on the best way to achieve our common goals, the dialogue ends abruptly and results in a loss of public confidence.

If the NRC did a better job of providing you with more specific information and with greater flexibility to achieve these clear goals, you would have a better understanding of what you needed to be able to accomplish to ensure adequate protection for your citizens. And most important, you would also have

a much better idea of the kinds of infrastructure and support you need to ask for from licensees and from us.

The top-to-bottom review of our regulations, and the effort to update our outdated guidance documents, provides an opportunity for us to begin to address these issues. That will not be easy, because emergency planning is a complex and emotional issue for a lot of people. It will require that the NRC continue to interact with our DHS partners and with state and local emergency management officials to continue to look for ways to make radiological emergency planning even more effective.

We must address this issue honestly, directly, and with the full participation of stakeholders to strengthen our credibility with the public and ultimately make the job each of us does a little bit easier to accomplish.

As I mentioned earlier, I believe we are in the process of coming full circle from the moment twenty seven years ago when President Carter decided to divide emergency preparedness responsibilities. This is a result of the events of September 11, 2001, requiring the Commission to take a look at a variety of security enhancements, and also of hard work, maturity, and strong partnerships with DHS and state and local governments.

Together, we can make great progress over the next year and I intend to help. However, I can't help you make things better for the current fleet of nuclear power plants and for potential future reactors. I thank you for everything that you do to keep your communities safe, I appreciate this opportunity to speak to you today, and I welcome any questions you may have.