

Statement of Senator Carl Levin (D-Mich.)
before the
Permanent Subcommittee on Investigations
on
Dirty Bomb Vulnerabilities in the Nuclear Regulatory Commission's
Nuclear Materials Licensing Process

July 12, 2007

Good morning. I would like to welcome our witnesses this morning from the Government Accountability Office and the Nuclear Regulatory Commission. Senator Coleman, this hearing is a continuation of a topic on which you have worked diligently – ensuring the protection and control of material that could be used in a so-called dirty bomb. The material involved in the GAO sting operation that will be the subject of the hearing today is not plutonium or highly enriched uranium, the materials that could be used in a nuclear bomb. The material that is the subject of this hearing is dirty bomb material – radioactive material in sealed containers used for a variety of medical and industrial purposes. The vulnerabilities that the GAO has identified, and that the Nuclear Regulatory Commission has acknowledged, are significant nonetheless.

Since September 11, 2001, the Nuclear Regulatory Commission has rightfully focused its efforts and attention on securing the most dangerous quantities of radioactive material – the quantities of radioactive material classified as Category 1 and 2 materials. According to the International Atomic Energy Agency, an individual who handled or who was in close proximity to Category 1 and 2 quantities of material would probably be dead or severely injured in a few minutes to a few hours. Category 1 and 2 radioactive materials are subject to very strict licensing and security requirements.

Smaller quantities of radioactive materials are classified in 3 additional categories—Categories 3,4, and 5. An individual who handled Category 3 quantities could be permanently injured if he or she handled the material for many hours or days, with the possibility of death if the exposure continued for weeks. Category 4 quantities are unlikely to permanently injure anyone, and Category 5 quantities could not permanently injure anyone.

The ability of the GAO to creatively avoid the NRC restrictions on Category 4 materials in this instance by obtaining small amounts of materials that could be aggregated into larger quantities to get to Category 3 quantities of material is troubling. That is what happened in this case.

On the other hand, the NRC has recognized that the out-of-the box thinking on GAO's part did deceive current mechanisms to regulate materials. I note that one of the recommendations that Commissioner McGaffigan has included in his prepared testimony is that the NRC will “evaluate how to probe for other thus far undiscovered vulnerabilities in NRC and Agreement State materials licensing programs.”

I think this is an important approach, a good way to try to anticipate problems in advance.

It is also a positive note that the vulnerability GAO identified has resulted in prompt reaction by the NRC and that NRC took steps to address the problem identified.

I look forward to hearing from the GAO about the full scope of the vulnerabilities, the ways in which NRC is responding ,and what more needs to be done.

Senator Coleman, I commend your, and your staff's, persistence on this matter.