

STATEMENT SUBMITTED
BY THE
UNITED STATES NUCLEAR REGULATORY COMMISSION

TO THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

CONCERNING

NUCLEAR SECURITY INFRASTRUCTURE

SUBMITTED BY
RICHARD A. MESERVE
CHAIRMAN

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Mr. Chairman and members of the Committee, I am pleased to have been invited to appear before you, on behalf of the United States Nuclear Regulatory Commission (NRC), to discuss programs related to safeguards and security for NRC-licensed commercial nuclear facilities, and to discuss the actions that NRC and its licensees have taken in response to the terrorist acts that occurred on September 11th.

The NRC response began immediately after the September 11th attacks. Within 30 minutes of the plane strikes, we activated and staffed the NRC Operations Center at NRC Headquarters and the incident response centers in the NRC Regional offices, and we began close coordination with the FBI and other intelligence and law enforcement agencies, our licensees, and various military, state and local authorities. Shortly after the attacks, we advised all nuclear power plants, non-power reactors, nuclear fuel facilities, gaseous diffusion plants, and decommissioning facilities to go to the highest level of physical security (Level 3), which they promptly did, discussed immediate actions and addressed specific questions. Increased security measures were also implemented at NRC offices.

As of today, the NRC and our licensees are still in a heightened state of security readiness. We have enhanced NRC building security, and we continue to monitor the situation closely. Our Headquarters Operations Center and Regional Response Centers are fully staffed, 24 hours per day, 7 days per week. We are prepared to make adjustments to security measures as circumstances warrant.

SECURITY AND SAFEGUARDS FOR COMMERCIAL NUCLEAR FACILITIES

The NRC's primary focus and responsibility is to ensure adequate protection of public health and safety is maintained and promotion of the common defense and security in the

peaceful use of Atomic Energy Act materials. We fulfill this responsibility by establishing and refining requirements and programs intended to protect NRC-licensed facilities and nuclear materials against both radiological sabotage and theft or diversion. The NRC has the statutory responsibility to maintain the protection of the public's health and safety by ensuring adequate physical security and safeguards.

NRC activities related to domestic safeguards and security and emergency response can be grouped into four categories:

- _ Developing and implementing requirements for safeguarding certain types of nuclear facilities and material and inspecting for compliance with those requirements;
- S Assessing the threat environment, including the international environment insofar as it has implications for domestic threats;
- S Maintaining and coordinating emergency response capabilities; and
- S Providing physical security for NRC employees and offices.

Beginning in the late 1970s, the NRC established requirements to safeguard civilian nuclear power plants and fuel facilities that possess special nuclear material. The regulations apply a graded approach -- that is, greater controls and protection are applied to nuclear materials and facilities that could pose higher risks to public health and safety. Accordingly, nuclear power plants must implement security programs that include site access controls, intruder detection systems, central alarm stations, physical barriers, armed guard forces, and detailed response strategies. The result is that nuclear power plants are among the most

hardened facilities in this country. The NRC inspects these facilities to verify compliance with NRC requirements, to assess licensee safety performance, and to enforce our regulations in a manner that ensures adequate protection of the health and safety of the public.

For example, one NRC requirement which reflects the graded approach to protection, is that commercial power reactors must have the capability to defend against certain defined security threats, referred to as a Design Basis Threat. The specifics of this Design Basis Threat are safeguards information. What I can say in public, is that the Design Basis Threat assumes that the adversaries will consist of a number of well-trained and dedicated individuals with knowledge of the facility, armed with weapons up to and including automatic weapons and specialized equipment, such as incapacitating agents and explosives. It also envisages use of land vehicles and a potential truck bomb. Licensees must establish and implement a security plan to respond to this assumed threat. NRC oversight of licensee efforts in this area includes routine and event-based on-site inspections, performance indicator reviews, and force-on-force exercises. Any deficiencies found in an exercise are promptly corrected and the corrections are verified by NRC inspectors. In addition to the capacity to defend against a Design Basis Threat, licensee security programs include provisions for requesting assistance from offsite authorities when appropriate.

The requirements to protect against sabotage or theft or diversion of nuclear materials also apply to major NRC-regulated fuel cycle facilities, such as the gaseous diffusion plants and uranium hexafluoride conversion facilities. Aside from the nuclear materials aspects of these operations, these types of facilities present chemical hazards. The NRC coordinates with

other Federal agencies, such as EPA and FEMA, to address these non-radiological hazards.

The NRC continuously monitors and assesses -- in coordination with Federal intelligence organizations - the overall threat environment in the United States and abroad in support of the domestic regulatory program. Insights from this threat assessment program are used to ensure the continued adequacy of the physical protection programs required by NRC regulations. We also maintain a more "real-time" assessment capability, again through ongoing liaison with the national intelligence and law enforcement communities, to evaluate threats to a licensee and to provide timely threat advisory and assessment information to our licensees. Further, all reported security-related events of more than minor significance are promptly analyzed by an internal team of subject matter experts to help guide immediate NRC follow-up actions.

The NRC's emergency response program includes the capability to respond to a radiological sabotage incident. This would be accomplished within the U.S. government interagency crisis and consequence management framework. Most of these activities are conducted under the Federal Radiological Emergency Response Plan, in coordination with the Federal Emergency Management Agency, Federal Bureau of Investigation, Department of Energy, and other Federal participants. As noted earlier, NRC has lead Federal Agency responsibilities for radiological emergencies. NRC's program is designed to assess licensee responses to plant-specific events and to support local, State, and Federal authorities in the case of an emergency declaration.

I would also like to point out that all NRC licensees with significant radiological material have emergency response plans to mitigate the impacts of radiological events, including terrorist

attacks, on the public. Public health would be safeguarded even if a terrorist attack damaged one of these facilities because of the mitigating actions of personnel and emergency response plans.

Finally, we protect NRC personnel and contract staff and facilities through a comprehensive physical and personnel security program. This program includes the continual assessment and adjustment of physical security measures in response to Federal government-wide advisories. In this regard, since September 11 we have increased our physical protection in a variety of areas, including the controls of access to NRC campuses by persons and vehicles. Most recently, we have taken measures to protect NRC mailroom employees from the biological threat posed by contamination by anthrax spores spread through the mail.

In the aftermath of the terrorist attacks of September 11, 2001, and the continuing uncertainty about future terrorist intentions, the NRC is expanding its review of its safeguards and physical security program, even though we believe that the nuclear power plants and fuel cycle facilities that fall under NRC jurisdiction are among the best protected industrial sites in America. The nature of the attacks requires that the NRC's review include a comprehensive examination of the basic assumptions underlying the current safeguards and physical security program.

Additionally, in light of the devastating September 11th attacks, and threats of unspecified future attacks against the United States, this review must involve other U.S. national security organizations. We currently are interacting with the FBI, other federal law enforcement and intelligence organizations, the military, and the newly established Office of Homeland Security so

that necessary changes to our programs consider pertinent information from all relevant federal agencies. We believe it is essential that agencies coordinate their requirements for infrastructure security.

We also are re-evaluating the agency's ability to communicate with the press, the public, and interested parties regarding information relevant to security and physical protection of our licensees. Prior to September 11, the NRC provided to the public via NRC's Website or its electronic ADAMS database, most documents pertinent to its regulatory regime, including extensive information on individual plant design and operation. In light of the events of September 11, which showed that some of the information that the NRC had made available to the public via the Internet could be of potential use to terrorists, the NRC shut down public access to these electronically available documents and removed some documents from our Public Document Room. The NRC is now in the midst of a careful review to determine the material that should be electronically made available to the public. In recent days we have restored public meeting notices, pertinent information on agency rulemaking proceedings, electronic reading room material, and information on contracting opportunities. Substantially more information will be restored in the coming weeks. As part of its ongoing re-examination process, the agency is examining issues related to withholding from the public critical infrastructure information. If the NRC determines that additional authority is needed to protect such information, the NRC will seek the necessary legislation.

As the Commission conducts its comprehensive reassessment of plant safeguards and security, we recognize that specific legislative needs may become apparent. In the interim, the Commission on June 22, 2001, submitted legislative proposals to your Committee that we

believe we need now. Specifically, we are seeking legislation that would amend the Atomic Energy Act to enhance the protection provided by guards at designated NRC-licensed nuclear facilities, to criminalize sabotage of nuclear facilities during their construction, and to make clear that the unauthorized introduction of weapons or explosives into nuclear facilities will be subject to significant Federal criminal penalties for the individuals involved.

We have also, since June 22, 2001, developed a fourth proposed statutory change which would confer upon guards at NRC designated facilities the authority to possess or use weapons that are comparable to the Department of Energy guard forces or other Federal protective forces. Some state laws, for instance, in New Jersey, currently preclude guard forces at NRC-regulated facilities from utilizing a wide range of weapons, which are available to the guard forces at other NRC-regulated facilities in states without such restrictions. We would advocate a more uniform national system.

We expect that our reassessment of commercial nuclear security and safeguards will strengthen our ability to improve our security requirements and programs, as needed. In considering potential legislative and regulatory changes, we must consider carefully the boundaries between private and government responsibility, and the delicate balance between openness and security. The balance between risk avoidance and risk mitigation must also be considered. These are difficult areas, but we are determined to address safeguards and security needs expeditiously in light of the September 11 events.

In closing, I would like to reiterate that the NRC continues to fulfill its obligations to ensure adequate protection of the public health and safety from acts of sabotage, theft, or diversion

directed at the Nation's civilian nuclear facilities and materials. We believe that we had an excellent security and physical protection program in place prior to September 11, and we are prepared to build on that solid foundation. We look forward to working with the Congress to address our mutual concerns and determine where the assets of our Nation are best deployed to fight these threats. I appreciate your invitation to be here today to discuss the NRC's programs and am prepared to answer your questions.