



NRC NEWS

U. S. NUCLEAR REGULATORY COMMISSION

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No. S-03-017

REMARKS

by

Chairman Nils J. Diaz
U.S. Nuclear Regulatory Commission

at the

Joint NRC/DHS State Security Outreach Workshop

June 17, 2003

The Department of Homeland Security Under Secretary McQueary, all the NRC partners in securing our homeland, especially our guests from the States, representatives of DHS and our sister Federal Agencies, members of the NRC staff: it is my pleasure and privilege to address you at this first, but surely not the last, Joint NRC/DHS State Security Outreach Workshop.

On behalf of the Commission, I thank Under Secretary McQueary and DHS for jointly sponsoring this very important workshop. In many ways, this meeting highlights a very important transition: from a period of policy-making and preparation that is taking place for America's homeland security to a more systematic, disciplined, coordinated implementation of security measures. This does not mean that, if called for, we all would not have jumped in and taken care of our people, with passion and thoughtfulness. We would not have worried about "who does it". We would have focused on "what" needs doing. We are now ready for a more cohesive and comprehensive program to defend our homeland from attacks. Your participation in this workshop is a tribute to how far we have come and your commitment to developing an integrated Federal, State, and local response.

Nuclear Regulatory Commission and Agreement State licensees were better prepared to respond to the spectrum of credible threats before 9/11 than most other facilities that are part of the civilian infrastructure and, continue to be so. Of course, we can always make further enhancements. Security against threats of diversion at our nuclear fuel facilities or sabotage at nuclear power plants are a 25 year old business for the NRC and for our licensees. The awareness, resources and vigilance were there, but all went to a higher level when 9/11 showed the determination of enemies of the United States to attack our people and our way of life.

September 11, 2001 was a defining moment in American history and, in a very practical way, for all of us here today. The terrorist attacks focused public concern on the vulnerability of the national infrastructure to hostile action. For many in the public, the media, and the Congress, one immediate question especially concerning the NRC's licensees was: suppose the terrorists had chosen to attack a nuclear power plant? What then? There was nothing unreasonable about asking that question; on the contrary, it would have been unreasonable not to ask it, given the public prominence of anything related to nuclear power or radioactivity. The first answer, as the Commission has been stating, is that nuclear power plants, to a greater extent than any other kind of facility in our entire civilian infrastructure, are built to withstand powerful impacts. The second is that nuclear power plants have been required for a generation to assume that attack by well-armed terrorists is a real possibility, to be guarded against 24 hours a day, 365 days a year. Third, we have mitigation systems in place, including emergency planning and response, to minimize any impact on public health and safety. There is no doubt that today, both in our understanding and in our actions on how these three work together, there are significant improvements in the protection of public health and safety. They are not easily seen -- and sometimes that is intentional, for security doesn't always advertise -- but they are there. And they get better, everyday.

In the aftermath of the September 11 attacks, the Commission, unanimously, undertook a number of measures to improve security at nuclear power plants, to assess areas of possible vulnerability and to define corresponding mitigation strategies. The enhanced security construct we have established for the defense of nuclear power reactors includes three strongly interdependent elements, all of them directed to one fundamental goal: how to best protect our people, with the appropriate resources placed at the right places. These three elements are:

- 1) enhanced access controls, to prevent unauthorized entry of persons and materials to nuclear facilities;
- 2) enhanced work hour and training requirements for security personnel to increase their capability to detect and respond to threats; and
- 3) a revised Design Basis Threat that describes those adversary characteristics that are credible and reasonable for a private sector organization to protect against, based on the current threat, demonstrated terrorist attributes and intelligence as well as law enforcement information.

The aim of the security construct is clear enough: to deny access to potential wrongdoers and to ensure an ever-present security force that serves as a strong deterrent and as a tactically and weaponry-qualified defensive team that is capable of defending a facility with high assurance against a Design Basis Threat.

A key Commission statement, with strong implications for the NRC, DHS, and you, was made by the NRC regarding what was accomplished and the path forward: “The Commission believes that this DBT represents the largest reasonable threat against which a regulated private security force should be expected to defend under existing law.” I repeat, “The Commission believes that this DBT represents the largest reasonable threat against which a regulated private security force should be expected to defend under existing law.” This security framework includes both strengthened security by licensees and a clear role for the government in providing security beyond the licensee’s capability while maintaining the ability of these industries and users to fulfill their intended functions. Let me repeat again, “providing security beyond the licensee’s capability while maintaining the ability of these industries and users to fulfill their intended functions.”

In addition to enhancements at the nuclear power facilities, NRC has also taken actions to enhance security at all our licensees -- from fuel cycle facilities to those licensees possessing discrete radioactive sources. For example, NRC and the Department of Energy are working to strengthen the U.S. regulatory infrastructure to increase the protection of high-risk radioactive sources which could be used to make a radiological dispersal device (RDD). The Commission recently approved the initial study of a joint NRC/DOE Working Group which provided action thresholds for radioactive materials of greatest concern. This report also addressed issues such as tracking and control of radioactive sources and recovery of unsecured radioactive material. We are also working closely with DHS in this area. For example, NRC staff is participating on the DHS Radiological Dispersal Device/Improvised Nuclear Device Working Group.

The Commission understands that it may not always be able to draw a bright line between security responsibilities of NRC-regulated entities and those of defense, security and law enforcement authorities. Responses may overlap for certain threats and coordination or integration of the responses of the various private and governmental organizations would be required. This is where the Commission, DHS, and other Federal Departments and agencies, and State and local authorities must work closely in developing integrated security contingency plans to complement licensee capabilities. The Commission believes that this integration is the responsibility of the Department of Homeland Security, and we have and stand ready to support DHS efforts in achieving integration. As we work to resolve integration issues at the Federal level, we also encourage efforts at the State and local level to develop the specific response protocols that will best serve the nation in enhancing homeland security.

At each step over the last 20 months, NRC has done what needed to be done to secure these facilities, but as we learn more, I am confident that the NRC, the Department of Homeland Security and you will do whatever it takes to protect the people of this country.

I would like to turn now towards another very important responsibility of the NRC. That is our responsibility to respond to radiological events of any kind, within our statutory responsibilities, and to coordinate Federal resources in support of State and local needs.

In May of 2003, the Department of Homeland Security issued an initial version of a "National Response Plan" (NRP) to address the management of domestic incidents, whether they are terrorist events or natural disasters. This Plan provides a framework from which Federal Agencies and Departments can begin to develop revisions to their existing incident response plans. This process will ultimately result in a comprehensive approach to domestic incident management. The Plan recognizes the vital roles that State and local authorities play in responding to all of the hazards that we face. We look forward to working with our Federal and State partners to implement this Plan, and encourage you to coordinate your activities closely with NRC licensees located within your states.

I have mentioned the NRC security construct and our commitment to incident response. I am pleased and proud to recognize that our new Office of Nuclear Security and Incident Response (NSIR) has done a tremendous job over its first year of existence in developing policies for the Commission, as well as in developing the requirements and oversight for other areas of homeland protection, and done so in a year of large uncertainties, as the nation is establishing its priorities. Our NSIR has done well for this country. I would like to recognize Roy Zimmerman, Director of NSIR, and all who labored long and well to increase our nuclear security and response capabilities. Roy, job well done!

With NSIR's transition to an implementation mode, the NRC is today taking another step to increase our attention to any cross-cutting issue of the agency's responsibilities that directly or indirectly affects security, incident response, emergency preparedness, vulnerability assessments and their mitigation strategies, and external integration of comprehensive strategies for these areas. At my request, and in consultation with the Commission, the Executive Director for Operations, Bill Travers, is establishing the position of Deputy Executive Director for Homeland Protection and Preparedness. The new Deputy, responding directly to the EDO, and both of them to me and the Commission, will have the authority to go across the agency lines of authority, to seek and resolve protection and preparedness issues, no matter who is doing it or where they reside in the agency. At NRC, the protection and preparedness of the homeland from nuclear events will respond to one senior manager, who will have the full support of every office in the agency. It is my pleasure to announce to you that Mr. William Kane has accepted the responsibility for Homeland Protection and Preparedness at the U.S. Nuclear Regulatory Commission.

You obviously note that I use the term homeland protection and preparedness rather than homeland security. There is a reason for the change. DHS has the overall responsibility for Homeland Security, and we are all responsible for different areas of concern. The NRC's main responsibility has always been the radiological protection of our people, as well as common defense and security. Our radiological protection requirements and expectations are based on multiple layers of defense, often referred to as defense-in-depth. The last layer of radiological protection is emergency

preparedness, and there is no doubt that it has been, and is good. For example, the Commission believes that rapidly developing accident scenarios in nuclear power plants, whatever the initiator, are covered by the extensive emergency preparedness plans which are in place, and that the significant security improvements we have achieved, plant mitigation strategies, and emergency plans and off-site communications, are all contributors to robust and enhanced protective measures for the public. Yet, emergency preparedness must run deeper, covering the spectrum of radiological risks to our nation. There are concerns in this area that need to be addressed very clearly. I believe that mostly it is an issue of significantly enhancing the communication of what we do. But I am not discounting the probability that we can do better, especially in assuring that the communication and coordination links and resources are there if ever needed. I can assure you that the probability of a life-threatening radiation release from a nuclear plant is very small, yet we need to be prepared. These same concerns albeit to a much lesser degree, apply to events involving other licensed sources, the most noteworthy being an RDD event, yet, we need to be prepared.

I know this is an area of great concern to all the states, and particularly so for those high population areas where coordination of efforts is essential. As a key component of our focus on implementation, the NRC is going to pay increasingly close attention to homeland protection and preparedness.

I have provided my thoughts on some of the major issues facing the NRC, and focused them on the mutual dependence we have in ensuring the security of NRC-licensed facilities. I hope that I have provided some things for you to think about that will be useful to you in your discussions here over the next two days to build on what was good in the past, and move to what is better in the future.

The work of the NRC is, in microcosm, a reflection of the nation as a whole. There are competing interests and different points of view, strongly held, but what unites us is far greater than what divides us. All of us -- the NRC, its licensees, States and the public -- have a common interest in nuclear safety and security, and the well-being of our nation. All of us have different perspectives and insights to contribute; at its best, democracy permits a synthesis, in which we glean the best from divergent viewpoints and apply them to our common purposes. I look forward to the opportunity to join with you, our constituent stakeholders, toward a goal we all share: to benefit the American people.

Have a great workshop.