**Statement Submitted** 

by the

**United States Nuclear Regulatory Commission** 

to the

**Committee on Appropriations** 

**United States Senate** 

Concerning

U.S. Federal Efforts to Combat Terrorism

Presented by

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Chairman

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Mr. Chairman, members of the Committee,

It is a pleasure to appear before you today to discuss the Nuclear Regulatory Commission's (NRC) programs related to safeguards and security for NRC-licensed commercial nuclear facilities and certain types of nuclear materials. Although it has been many years since the NRC was called to testify on its regulatory responsibilities for safeguarding U.S. commercial nuclear activities, this is a responsibility that has drawn substantial attention by the Commission.

The NRC has a responsibility to ensure the protection of public health and safety and promote the common defense and security in the commercial possession and use of Atomic Energy Act materials. We take that responsibility seriously, and we have promulgated requirements and implemented programs intended to protect NRC-licensed facilities and materials against both radiological sabotage and the theft or diversion of special nuclear material. For example, the U.S. has 103 commercial nuclear reactors which account for about 20 percent of U.S. electrical generating capacity. The Commission seeks to ensure protection of these facilities, while not posing an unnecessary regulatory burden on our licensees.

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 compliance with them;
- Assessing the domestic threat environment and the international environment insofar as it has implications for domestic threats;

- Maintaining and coordinating emergency response capabilities; and
- Providing physical security for NRC employees and facilities.

Let me discuss each of these activities.

## Safeguarding Nuclear Facilities

Beginning in the late 1970s, the NRC established requirements to safeguard civilian nuclear power plants and fuel facilities that possess formula quantities of strategic special nuclear material. (Special nuclear material is plutonium, uranium-233, and uranium enriched in the isotope 233 or 235.) The regulations apply a graded approach - - that is, greater controls and protection are applied to materials and facilities that might be particularly attractive to an adversary. The NRC licenses these nuclear facilities and materials, inspects the facilities and materials to ensure adequate protection and compliance with NRC requirements, assesses licensee performance, and enforces the regulations.

For example, the NRC requires that power reactors have the capacity to defend against a Design Basis Threat or DBT. This DBT, in general, assumes that the adversaries will consist of several well-trained and dedicated individuals with knowledge of the facility and possessing weapons up to and including automatic weapons and specialized equipment, such as incapacitating agents and explosives. Licensees prepare to respond with careful access controls, physical and defensive barriers, continually manned alarmed command and control stations, armed response teams, and specialized training. NRC oversight includes inspections and force-on-force exercises. These exercises are conducted at all nuclear power facilities,

utilizing licensee mock adversary forces, in order to identify areas for improvement in the physical protection systems.

The NRC is in the process of improving the regulatory framework associated with physical protection at power reactor facilities. The Commission has directed that particular attention be given to the use of risk insights. Moreover, the performance-based rule, when implemented, should provide additional flexibility and, most importantly, should focus licensee resources on the protection of the facilities risk-significant assets, while not unnecessarily burdening operational safety.

### Threat Assessment

The NRC monitors and assesses the threat environment in the United States and abroad in support of the domestic regulatory program and the licensing of nuclear exports. The threat assessment program ensures the continued adequacy of the design basis threats specified in NRC regulations. (A design basis threat defines adversary characteristics to which a licensee must be prepared to respond.) Licensees use these characteristics to establish their safeguards and security systems. Moreover, the NRC maintains a threat assessment capability through continuous liaison with the national intelligence and law enforcement communities, thereby enabling the assessment of any reported threat to a licensee and the capacity to provide timely threat advisory and assessment information to our licensees.

### Emergency Response

NRC maintains a robust emergency response program, including the capability to respond to a sabotage incident. This is done within the U.S. government interagency crisis and consequence management framework. Most of these capabilities are conducted under the Federal Radiological Emergency Response Plan (FRERP), in coordination with the Federal Emergency Management Agency, Department of Energy, and other Federal participants. NRC's program is designed to assess licensee responses to emergencies and to support local, State, and Federal authorities in the event of an emergency. NRC routinely conducts exercises to ensure that these capabilities are maintained by working with licensees and other responders to ensure a high level of preparedness and capability if an emergency occurs.

NRC also cooperates and assists other agencies, including the Federal Bureau of Investigation in its lead role in responding to crises associated with acts of sabotage, theft or diversion at facilities licensed or certified by the NRC. The NRC also seeks to protect critical infrastructure, such as telephone, information, and other systems essential to agency operations, as well as to support DOE in protecting the nation's electrical power infrastructure. Additionally, NRC has established a program that will enable it to respond to safety problems involving licensed operations during concerted terrorist acts against the agency. This program seeks to maintain continuity of essential operations and is fully coordinated with other Executive Branch departments and agencies.

# Physical Security

Finally, the NRC protects NRC personnel 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 and agency-specific situations. Also, NRC is a member of the Washington, D.C. area interagency Protective Services Working Group, which is led by the FBI.

## Legislation

The Commission believes it has been providing adequate attention to terrorism-related issues, although our examination of policy is continuing. In this connection, we do seek certain legislative changes that would strengthen our regulatory program. These changes include: authorizing guards at Commission-designated licensed or certified facilities to carry and use firearms to protect property of significance to the common defense and security; making it a Federal crime to bring unauthorized weapons and explosives into NRC-licensed facilities; and making Federal criminal prohibitions on sabotage applicable to the operation or construction of certain nuclear facilities (such as a nuclear reactor, or an enrichment or fuel fabrication facility). These provisions have been viewed as non-controversial in both Houses. They were passed by the Senate in the last Congress as part of S. 1627. The House Commerce Committee approved them in their NRC Authorization Bill (H.R. 2531). However, neither bill advanced further. All of these provisions are currently contained in S. 472, the Nuclear Energy Electricity Assurance Act, Sections 608, 611 and 612.

# **Conclusion**

In closing, I would like to reiterate that NRC takes very seriously its obligation to ensure adequate protection of the nation's civilian nuclear facilities against domestic acts of sabotage, theft, or diversion. We appreciate the opportunity to join you today to discuss our programs.

Thank you Mr. Chairman. I would be pleased to answer any questions that you and members of the Committee may have.