

Statement Submitted  
by the  
United States Nuclear Regulatory Commission

to the  
Committee on International Relations  
United States House of Representatives

Concerning  
Nuclear Security and the IAEA

Presented by  
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Madam Chairman, members of the Committee, I am here before you today to discuss the Nuclear Regulatory Commission's (NRC) programs related to safeguards and security for NRC-licensed commercial nuclear facilities and, more importantly, to discuss the actions that NRC and its licensees have taken in response to the terrorist acts that occurred on September 11<sup>th</sup>. I will also briefly note the NRC's ongoing activities with the International Atomic Energy Agency (IAEA).

Let me begin by explaining the NRC's actions in response to the September 11 attacks. Within 30 minutes of the plane strikes, we activated and staffed our incident response centers in our Headquarters and Regional offices and began close coordination with the FBI and other intelligence and law enforcement agencies, our licensees, and various military, state and local authorities. Immediately after the attacks, we advised nuclear power plants and nuclear fuel facilities to go to the highest level of physical security (Level 3), which they promptly did. In addition, non-essential NRC personnel were excused and increased security measures were implemented at NRC facilities. We also advised them to continue to maintain this increased security posture.

As of today our agency and our licensees are still in a heightened state of security and readiness. We continue to monitor the situation closely, and are prepared to make adjustments to security measures as appropriate. Let me point out that to date, the NRC has not received information from the FBI or any other law enforcement or intelligence agency that a general or specific credible threat has been made against any NRC-licensed facility nor against any of NRC's facilities.

The NRC's prime focus and responsibility is to ensure that adequate protection of public health and safety is maintained and to promote the common defense and security of the nation in the commercial possession and use of Atomic Energy Act materials. We take this responsibility very seriously, and over the years have established and refined requirements and programs intended to protect NRC-licensed facilities and nuclear materials against both radiological sabotage and the theft or diversion of special nuclear material. (Special nuclear material includes plutonium, uranium-233, and uranium enriched in the isotope 233 or 235.)

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;
- Assessing the 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.

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 likely have greater appeal to an adversary. As such, nuclear power plants must implement security programs that include varying degrees of 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 structures 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.

One such NRC requirement, for example, is that commercial 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 are armed with weapons up to and including automatic weapons and specialized equipment, such as incapacitating agents and explosives. Licensees must establish and implement a security plan to respond to this assumed threat. NRC oversight of licensee efforts in this area include 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 DBT, licensee security programs include provisions for requesting assistance from offsite authorities for threats that exceed the DBT.

In the area of threat assessment, the NRC continuously monitors and assesses -- in coordination with other Federal intelligence organizations -- the overall threat environment in the United States and abroad in support of the domestic regulatory program. This threat assessment program seeks to ensure the continued adequacy of the DBT assumptions specified in NRC regulations. We also maintain a more "real-time" threat assessment capability, again through ongoing liaison with the national intelligence and law enforcement communities, to evaluate any reported or actual threat 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.

Additionally, 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. 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.

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 the aftermath of the terrorist attacks of September 11, 2001, and the continuing uncertainty about future terrorist intentions, the NRC is undertaking a thorough review of its safeguards and physical security program, even though we believe our nuclear power plants and certain fuel cycle facilities are among the hardest and 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 sophistication of the September 11<sup>th</sup> attacks, this review must involve other U.S. national security organizations. We currently are interacting with the FBI, other federal law enforcement and intelligence organizations, and the military so that changes to our programs consider pertinent information from all relevant federal agencies.

Having provided a brief description of the NRC's current activities here at home, I would now like to address our international interests. NRC cooperates with the regulatory and safety agencies of some thirty countries to exchange safety and safeguards information, carry out training activities, and conduct studies on subjects of mutual interest. We also support U.S. Government participation in programs of the International Atomic Energy Agency (IAEA) and other international organizations.

Of primary interest today is the role of the IAEA in strengthening programs to protect nuclear material and facilities from terrorist threats. I understand that IAEA is currently focusing its attention in four areas: (1) measures to protect against the diversion of nuclear material suitable for use in nuclear weapons; (2) protection of nuclear facilities from terrorist attack; (3) protection of radiation sources from terrorist use; and (4) emergency preparedness in the event of a terrorist attack.

NRC stands ready to work with the Department of State, the Department of Energy, and representatives of other U.S. agencies to develop a U.S. position on enhancing and using IAEA's capabilities in these areas.

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. I appreciate the opportunity to join you today to discuss our agency's programs.

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