

October 4, 2001

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Dennis K. Rathbun, Director **/RA/**
Office of Congressional Affairs

SUBJECT: HOUSE INTERNATIONAL RELATIONS SUBCOMMITTEE
HEARING ON THE ROLE OF THE IAEA IN SAFEGUARDING
AGAINST ACTS OF TERRORISM (10/3/01)

The Committee on International Relations, Subcommittee on International Operations and Human Rights held a hearing on the role of the International Atomic Energy Agency (IAEA) in Safeguarding Against Acts of Terrorism. In her opening statement, Chairwoman Ros-Lehtinen (R-FL) discussed how the events on September 11th have changed the American people on how they are now thinking about terrorism. The focus of the hearing was on the potential threat of a nuclear-related terrorist attack.

Representative Menendez (D-NJ) stressed the importance of the IAEA but raised concerns about their role in nuclear nonproliferation and controlling nuclear materials. He emphasized the need to protect nuclear facilities and prevent illicit trafficking of nuclear materials.

Ranking Member McKinney (D-GA) spoke on the opposition many have against nuclear energy and the difficulties in finding a safe way to dispose of the waste. She is concerned that even though nuclear power plants have containments they are vulnerable targets and cannot withstand an airplane attack to the containment or spent fuel pools.

Testifying for the Department of State was Richard Stratford, Acting Deputy Assistant Secretary for Nonproliferation. He discussed the IAEA's role in nuclear material and facility security, nuclear facility safety, and improving management of radioactive sources. He focused on the illicit trafficking of nuclear material and lost sources that can get in the hands of terrorists. He said highly enriched uranium and plutonium were hard to get but sources like cobalt are easy to get and could be used to contaminate large areas by using a stick of dynamite. While the U.S. has a good control of these sources, other countries do not.

Mr. Steven Black, Acting Director of the Office of Arms Control at the National Nuclear Security Administration (NNSA), testified on the IAEA's role in developing guidelines and standards for countries to use in the physical protection of nuclear material. He also summarized the NNSA's role in strengthening nuclear material safeguards and physical protection in the countries of the former Soviet Union.

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In his testimony, Dr. Bill Travers, outlined what NRC has done since September 11 to ensure the safety of all nuclear facilities in the U.S. He gave a brief overview of NRC's participation in the programs of the IAEA.

Representative Gilman (R-NY) expressed his concerns for the security protection of the Indian Point reactors in Buchanan, New York. He was interested in learning of the federal government's role in securing U.S. reactors from terrorist attacks. He is looking forward to hearing back from the NRC in response to his October 1 letter to Chairman Meserve.

During the question and answer portion of the hearing, Congresswoman McKinney was very interested in hearing more from the State Department about the lost radioactive sources. Also, she questioned Dr. Travers on what the nuclear industry was requesting from NRC with regard to changing security at the plants. She mentioned that the nuclear industry wanted to go to a self regulated security program. He assured her that all the licensees implemented the highest security posture after the NRC advised them to do so on September 11 and have maintained that level. He went on to say that the Safeguards Performance Assessment (SPA) is only a pilot program and the Operational Safeguards Response Evaluations will continue during the pilot.

Representative Gilman asked if any nuclear power plants could withstand a direct plane hit. Dr. Travers responded that while nuclear power plants are not designed to withstand such an impact, these plants have hardened structures, containments, redundant systems, trained operators and staff, and emergency preparedness plans. He said Chairman Meserve has tasked him to do a top to bottom review of the security programs for nuclear facilities. Dr. Travers assured Congressman Gilman that he was satisfied with the level of security at the Indian Point plant.

Chairwoman Ros-Lehtinen asked if Turkey Point could withstand the impact from an airplane, what were the security measures prior to September and what has changed since then, and whether NRC has taken into consideration mock drills. Dr. Travers reiterated that nuclear power plants aren't designed to withstand such an attack but they have inherent safety features.

In closing, Representative Gilman was interested in learning of NRC's results from their assessment of an airline attack to a nuclear power plant. Dr. Travers responded that a lot of elements would be involved in this analysis and could not give an exact estimate on when those results would be completed.

Attached is a the witness list and a copy of Chairwoman Ros-Lehtinen's opening remarks. Copies of the testimonies are available in OCA.

Attachments:

As stated

cc: SECY OCAA
 OGC
 OGC/Cyr
 OEDO
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OCFO