

November 2, 2001

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

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

SUBJECT: SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
HEARING ON INFRASTRUCTURE SECURITY (11/1/01)

The Senate Environment and Public Works Committee held a legislative hearing to consider various legislative proposals to improve infrastructure, chemical site security, and to aid in the economic recovery of New York City. Chairman Meserve testified on behalf of the 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 of September 11th.

Senators Smith (R-NH) and Inhofe (R-OK) introduced S. 1586, which includes the three NRC proposals that would (1) authorize guards at Commission-designated licensed or certified facilities to carry and use firearms to protect property of significance to the common defense and security; (2) make it a Federal crime to bring unauthorized weapons and explosives into NRC-licensed facilities; and (3) make Federal criminal prohibitions on sabotage applicable to the operation or construction of certain facilities (such as nuclear reactors or enrichment or fuel fabrication facilities).

In his opening statement, Senator Smith said the events of September 11th left the United States with questions on the Nation's preparedness to deal with terrorism, and Congress is willing to help the Federal Government do their job better in this regard.

Chairman Jeffords (I-VT) talked about a Florida chemical storage facility that had a lethal quantity of a pesticide stolen from it by thieves through a hole cut in the facility's fence while security personnel stood guard. He was interested in hearing of ways to improve the security of our Nation's water supply, nuclear facilities, and federal buildings.

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Senator Jeffords asked the Chairman about the October 30th Notice to Airman (NOTAM) on the no fly zones around nuclear facilities and whether it should be extended beyond November 7th. Chairman Meserve explained NRC has been in close coordination with the Federal Aviation Administration (FAA) and with NRC-licensed facilities on flyovers since September 11. He went on to say that the latest NOTAM was a result of Attorney General John Ashcroft's October 29 announcement of a new threat advisory and involved the Office of Homeland Security, the military, and FAA. It was determined that this NOTAM would provide additional protection to nuclear facilities until the current threat diminished. He later asked the Chairman about the evacuation plans around nuclear power plants. The Chairman responded that the emergency plans are a part of the normal regulatory process which are reevaluated and exercised in coordination with the Federal Emergency Management Agency (FEMA) and the State and local governments. The Environmental Protection Agency (EPA) witness added that they have a team of radiological responders who would be dispatched to any nuclear incident involving radiological material.

Issues of interest to Senator Clinton (D-NY) were (1) the need for an office within FEMA to coordinate efforts for the children of the victims of the September 11th tragedy, (2) the ability to track the health of victims, volunteers, and workers exposed to the unhealthful air around the site of the World Trade Center, (3) assistance for unemployed labor force due to the disaster, and (4) the establishment of a claims office for the displaced businesses around the World Trade Center. She said she looked forward to her meeting next week with Chairman Meserve and would hold her questions for him until that time.

Senator Carper (D-DE) asked how the NRC responded to the September 11th terrorist attacks. Chairman Meserve answered that the NRC already had significant safeguards requirements in place before September 11th and that licensees were inspected and had to maintain a capacity to defend against a design basis threat and demonstrate that ability to the NRC. In response to the September 11th attack, the NRC advised licensees to increase security to the highest level which means increasing guard force, monitoring, and other safeguards related activities. In addition, he noted that he had contacted 40 State Governors to apprise them of the strengths as well as limitations of NRC's licensees safeguards post September 11th. The result was that many home States were providing State or National Guard assets to augment NRC licensees safeguard forces. The Chairman also noted the military had been contacted and similarly apprised of the situation and that the NRC believes that we have taken every prudent measure to ensure the safety of the nuclear industry.

Senator Carper also asked about the Price-Anderson Act reauthorization. The Chairman explained in the event that if the Congress did not reauthorize the Price-Anderson Act existing power plants would not be affected and Price-Anderson coverage would continue on. Senator Carper asked if there were any proposed new nuclear power plants. Chairman Meserve indicated some utilities were planning for additional nuclear generating capacity but as yet no formal applications had been received.

The other government witnesses (see attached) testified on FEMA's role in responding to disasters, economic revitalization of New York City, disaster assistance for small businesses in New York City, and protection of the Nation's water resources. Copies of these testimonies are available in the Office of Congressional Affairs.

Mr. Joseph Moravec, Commissioner of Public Buildings Service, General Services Administration testified on H.R. 307 providing for the reform of the Federal Protective Service,

the enhancement of safety for Federal employees, the public and children enrolled in childcare facilities located in facilities under GSA control.

Attachment:

As stated

cc: SECY
 OGC
 OGC/Cyr
 EDO
 OIP
 OCAA
 OPA
 OIG
 CFO