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## Statement of Rep. Christopher Shays September 14, 2004

Three years ago, the vulnerability of high-value structures to low-tech attack was seared into our national memory. Images of the collapsing Twin Towers and a smoldering hole in the Pentagon forced an assessment of safeguards and vulnerabilities at other critical facilities, including nuclear power plants.

That assessment prompted some immediate steps by the Nuclear Regulatory Commission (NRC) to strengthen security at the nation's sixty-five reactor sites. Last year, we heard testimony from the NRC, the Government Accountability Office (GAO) and others describing post-9/11 efforts to update security policies and practices to meet a dynamic new threat environment. But much of that testimony raised as many questions as were answered about the rigor of the NRC regulatory process, the realism of emergency response planning, the willingness of reactor operators to meet new security mandates, and the pace of needed changes.

So we asked the GAO to monitor implementation of nuclear counter-terrorism enhancements, including some recommended in earlier GAO reviews. Their initial findings depict a lengthy process that risks becoming more theoretical than actual. A new protection standard, or Design Basis Threat (DBT), was not issued until April 2003. A rushed review of facility plans implementing the DBT could be completed next month, but that has been formulaic, wholly paper exercise. The NRC will not have complete, site-specific data from force-on-force exercises to validate upgraded security plans for three more years.

Even then, there may be no reasonable assurance plants are adequately protected. Some believe the new DBT understates the true level of risk, meaning that security plans will have to be modified and tested again.

Despite persistent efforts by reactor operators and regulators to minimize the risks of containment breach or spent fuel sabotage, surrounding communities and those farther downwind take little comfort from a cozy, indulgent regulatory process that looks and acts very much like business as usual. Findings of security violations elicit promises of correction, but little NRC follow-up. Emergency response plans may not be current. Lessons learned are not shared. And a proposal to hire an attacking force from the same company used to protect several plants raises legitimate concerns about the integrity of future mandatory force-on-force exercises.

There is no question nuclear power plants remain of abiding interest to terrorists. Real questions remain how and when the seriousness of that threat will be fully reflected in the substance and speed of critical countermeasures.

As we continue to pursue those questions, the Subcommittee appreciates the experience and expertise brought to the discussion by all our witnesses. We look forward to their testimony.