

Project On Government Oversight
Exposing Corruption, Exploring Solutions

Testimony of Danielle Brian
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before the
House Government Reform Subcommittee on
National Security and Emerging Threats on Nuclear Security:
Can DOE Meet Facility Security Requirements?
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As we prepared this testimony, it was striking to hear Members of the 9/11 Commission last week come to the conclusion that no policymakers were aware that terrorists might hijack commercial aircraft and fly them into buildings. In fact, however, Project On Government Oversight (POGO) released to the public an internal NORAD email, which showed that NORAD had developed a scenario in April 2001 of a commercial airliner being hijacked and flown into the Pentagon – just five months before terrorists hijacked a commercial airplane and flew it into the Pentagon. This scenario was rejected at the time by the staff of the Joint Chiefs as being “unrealistic.”

I feel certain that if an event were to take place at one of the Department of Energy’s (DOE) nuclear weapons facilities, policymakers would claim that no one knew that a terrorist could have attacked one of these facilities and created an improvised nuclear device – a nuclear detonation. Your hearings have been laying the groundwork to make it harder for them to make this claim.

DOE Secretary Abraham’s Initiatives

In January 2004, DOE Secretary Spencer Abraham, Deputy Secretary Kyle McSlarrow and Oversight Director Glenn Podonsky began a dialogue with POGO regarding our recommendations for security upgrades. Since then, we have been cautiously optimistic that DOE may be turning the corner. The Secretary’s May 7 speech further reassured us. This is the first time a DOE Secretary has recognized and admitted the problems and the extent of the changes necessary to provide adequate security in the weapons complex.

For example, Secretary Abraham announced DOE would be reevaluating the Design Basis Threat (DBT), the security standards that facilities are required to meet. Increasing the DBT to better reflect the intelligence community’s Postulated Threat is essential. This review, along with the April 5, 2004 directive requiring all sites with Improvised Nuclear Device (IND) vulnerabilities to increase their defensive posture to a “denial” strategy, will vastly improve security. An IND is an actual nuclear detonation on site, which can be accomplished within minutes by a terrorist bringing a few additional materials in a rucksack. Recently, former DOE

Security Czar General Eugene Habiger stated that such a blast would be comparable to one that is one-twentieth of the Hiroshima detonation. Experts interviewed by POGO believe it would be even more devastating. In the past, the bigger concern had been to thwart the theft of nuclear materials. As a result, it was considered adequate to allow a terrorist to enter the facility but prevent him from being able to leave again. Now, the “denial” requirement means a terrorist must be prevented from entering the facility at all, given the possibility that a suicidal terrorist could detonate an Improvised Nuclear Device. Concerns about Improvised Nuclear Devices underscore the need to further consolidate Special Nuclear Materials, as a number of sites simply will not be able to meet these higher standards or afford the required upgrades.

We were pleased to hear the Secretary’s plan to expedite the schedule for building the new storage facility at Y-12. Our worry is – which design? The current contractor operating Y-12, BWXT, inexplicably changed a plan to build a bermed facility covered by earth on three sides and its roof, similar to the Device Assembly Facility at the Nevada Test Site, and is now planning instead to build an above-ground facility. The change in design was approved based on the contractor’s estimate that it would both increase security and save money. However, in a March 19, 2004 Inspector General (IG) report, the IG concluded that the new design for the storage facility will actually decrease security and significantly increase costs.

Another of Secretary Abraham’s plans, to eliminate the burst reactor at Sandia National Laboratory and remove the highly-enriched uranium (HEU) fuel core, will save over \$30 million per year in security costs by eliminating the need for extensive physical security. We are disappointed, however, in the timeline for this step. It shouldn’t take three years, as this reactor currently is rarely used. For example, in early 2000 when DOE considered moving the reactor from Sandia, its next scheduled mission wasn’t until October 2002, 2 ½ years later.

In addition, raising the need to blend down 100 tons of HEU is one of the highlights of the Secretary’s announcement. Step one is to consolidate the materials into fewer and more secure locations. Step two is to blend down the excess HEU and immobilize the excess plutonium so that they no longer present such an attractive target to terrorists. It is important to begin working on step two.

Secretary Abraham’s proposal to federalize the security forces is certainly worth considering, as it would address a number of the problems we have encountered across the complex. In the meantime, the current private security companies employing the security officers around the complex need to do a much better job in improving guard force morale by reducing overtime, increasing training, and providing adequate compensation packages.

We were also pleased to see the Department is finally going to move to a media-less computing system, which will eliminate concerns repeatedly raised by missing hard drives and computer disks.

Finally, the Secretary acknowledged that whistleblowers have been forced outside the system, often suffering retribution for telling the truth, and that there is a need for a change in the management culture. This is the third DOE Secretary I have heard say this. What can we all do to

make it happen? Congress needs to pass the whistleblower protection legislation introduced by Representative Ed Markey as a first step. It is clear that Secretaries with the best intentions can not protect whistleblowers from the wrath of an angry bureaucracy.

We are not sanguine that the agenda outlined by Secretary Abraham will become a reality. He will need to fight the weapons complex bureaucracy and its contractors who are professionals at preserving the status quo. It is important that this Subcommittee obtain a timeline from DOE that will lay out milestones to accomplish these initiatives, and then hold DOE to the schedule.

One particular problem that appears to be a complex-wide phenomenon is the huge amount of overtime the protective forces are working. For example, some security officers at Y-12 are working up to 90 hour weeks. We have an internal Wackenhut document where the Y-12 security manager is threatening to fire an officer whose doctor temporarily limited the officer's work schedule to "only" a 55 hour week after knee surgery. The security officer was forced to ask his doctor to retract this limitation or he would be fired. We know from our work on security at commercial nuclear power plants that after 60 hours, fatigue sets in making any person significantly less able to perform his or her job. How can anyone claim with a straight face people working 90 hours a week are alert enough to protect nuclear materials against a terrorist attack? While I know this hearing is focusing specifically on Environmental Management, Science and Nuclear Energy sites, I believe this phenomenon of dramatically overworking the protective forces deserves the Committee's immediate attention.

DOE's Environmental Management, Nuclear Energy and Science Facilities

One disappointment of the Secretary's speech is that he did not address the security problems and lack of mission at Argonne National Lab (ANL) West and Idaho National Engineering and Environmental Laboratory (INEEL) – the Nuclear Energy and Science facilities that contain tons of highly-enriched uranium and plutonium that are attractive to terrorists. There is no mission-related need for this large quantity of Special Nuclear Materials (SNM) for either of these sites. The cost of protecting these materials is huge – \$40 million a year. Two years ago, when Independent Oversight tested the security at ANL West, where the majority of this material resides, they found security unsatisfactory – in other words the facility was unable to protect adequately the tons of highly-enriched uranium and plutonium. Since then, ANL West has had even more problems, according to sources at the site and in Washington.

POGO has been told that ANL West spends more money to protect the seven to eight tons of unneeded Special Nuclear Material than it does on programs. However, there is a fear at the site that if DOE moves this unneeded material to a more secure location, the site may be shut down. Furthermore, POGO has been told by multiple sources that the guard force at ANL West is 50% undermanned. In the last few weeks, another 10% of their guard force quit. Recently, ANL West needed \$1 million for quick security upgrades, but Headquarters Nuclear Energy refused them the funds. Despite the required security upgrades after 9/11, the increased DBT in Spring 2003, and the Headquarters directive of April 5, 2004, to go to a denial strategy because

of IND concerns, ANL West has the same inadequate tactical response plan that they had since before 9/11.

ANL West is also having serious problems developing a new site security plan; they haven't been able to develop a credible vulnerability assessment; and they haven't performed JCATS computer simulations for security plans, limited-scope performance tests, or full-up force on forces for several years. I recommend that this Subcommittee turn some of its attention to ANL West. If the facility can't protect the material, the material should be moved to a more secure location.

While similar security inadequacies exist at Idaho National Engineering Lab, there are at least plans to deinventory the Category I Special Nuclear Materials from this site by the end of 2005. The problem, however, is that the plan is to move these materials to ANL West.

Similarly, Hanford, an Environmental Management (EM) site, is scheduled to be deinventoried of all its Category I materials by the end of 2005 – which is a good thing, as they recently failed a force-on-force run by Independent Oversight, even after 9/11 upgrades.

Savannah River, another EM site, stores huge quantities of plutonium. As far as we can deduce, Savannah River does not suffer from the security failures we have uncovered at these other sites, as well as at most of the NNSA sites. The ongoing problem at Savannah River, however, is a history of unfulfilled promises to build an underground storage facility for the plutonium. Most of the plutonium at Savannah River is currently being stored in an old reactor building that was never meant to be a plutonium storage facility.

We have not developed sources at Oak Ridge National Lab, a Science site, which stores large quantities of uranium-233, and cannot comment on its security.

POGO believes that Secretary Abraham and Deputy Secretary McSlarrow are sincerely concerned about the state of security at the nuclear weapons complex. However, these two officials have a limited time in office. The Office of Security and Safety Performance Assurance will be the entity left behind to oversee any improvements. POGO recommended in our 2001 report, U.S. Nuclear Weapons Complex: Security at Risk, that the Oversight Office be moved outside the DOE in order to establish real institutional independence. At the very least, Congress needs to formalize its communications with this Office, as it has with the Inspector General.

In the end, it is clear NO change will happen without you, the Congress, providing vigilant oversight. I believe it will be some of the most important work you will do.