

STATEMENT OF RICHARD L. OTTINGER CONCERNING THE
NUCLEAR REGULATORY COMMISSION'S RESPONSE TO
QUESTIONS ABOUT THE EFFECTIVENESS OF INTERNATIONAL
ATOMIC ENERGY AGENCY SAFEGUARDS

First, the NRC's excessive delay in responding to the November 25 and 30, 1981 letters to NRC sent by Representative Dingell, Senator Hart and myself is inexcusable and unacceptable. A prompt (one week) response on a matter of serious urgency was requested, yet it took the NRC over three months to produce even an unclassified response to our inquiry. This needless and unaccountable delay in even referring some of our inquiries to the "agencies of the Executive branch" has slowed and hindered our further inquiries on this subject.

Second, in my opinion, the NRC has improperly classified or over-classified and is maintaining an improper classification on certain documents pertaining to international safeguards. I will inquire further into this type of abuse of the classification system by the NRC.

Third, the NRC's responses in some cases are inadequate and incomplete. In some cases, no answers have been provided at all. The Congress is entitled to, and I will seek, further details and clarification concerning the NRC's independent views and assessments of the IAEA safeguards system.

Fourth, although the need of an originating agency to control the release of even classified information on some occasions is understood, there is a distinct possibility that the originating agency or agencies within the Executive branch are improperly restraining the release of important safeguards information to the Congress. A refusal to provide information for reasons other than those related to protecting the source of the information would constitute an abuse of the system which acts to "cover up" inadequacies and deficiencies in the IAEA's nuclear safeguards system. I intend to inquire further whether the Executive branch is acting improperly in controlling international safeguards information.

Fifth, notwithstanding the shortcoming of their response, I note with serious concerns the NRC's statement that it has "enough information to be concerned that the IAEA safeguard system would not detect a diversion in at least some types of facilities," at that, at least one Commissioner believes that "international safeguards are not adequate." In my opinion, it is vital that information about the adequacy of safeguards should be disclosed to the public. Extensive classification of safeguards information has had the negative effect of jeopardizing rather than protecting national security because it creates a false sense of security and encourages a dangerous complacency on the part of the public and the Congress about the adequacy of the international safeguards system.