

EDO Principal Correspondence Control

FROM: DUE: 12/17/01 EDO CONTROL: G20010563
DOC DT: 12/11/01
FINAL REPLY:

Representative W. J. "Billy" Tauzin
Representative John D. Dingell

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0654

Chairman

DESC:

Security of Radioactive Materials Imported or
Obtained by NRC Regulated Materials Licensees

ROUTING:

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Collins, NRR
Wessman, IRO
ERCT
Schum, OEDO
Davis, NMSS

DATE: 12/12/01

ASSIGNED TO: CONTACT:
NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with ERCT.

MICHAEL BILIRAKS, FLORIDA
 JOE BARTON, TEXAS
 FRED UPTON, MICHIGAN
 CLIFF STEARNS, FLORIDA
 PAUL E. GILLMOR, OHIO
 JAMES C. GREENWOOD, PENNSYLVANIA
 CHRISTOPHER COX, CALIFORNIA
 NATHAN DEAL, GEORGIA
 STEVE LARGENT, OKLAHOMA
 RICHARD BURR, NORTH CAROLINA
 ED WHITFIELD, KENTUCKY
 GREG CANSAE, IOWA
 CHARLIE NORWOOD, GEORGIA
 BARBARA CUBIN, WYOMING
 JOHN SMITHKUS, ILLINOIS
 NEAIDER WALDON, NEW MEXICO
 JOHN B. SHADLEGG, ARIZONA
 CHARLES "CHIP" PICKERING, MISSISSIPPI
 VITO ROSSELLA, NEW YORK
 ROY BLUNT, MISSOURI
 TOM DAVIS, VIRGINIA
 ED BRYANT, TENNESSEE
 ROBERT L. ENRICH, JR., MARYLAND
 STEVE BUYER, INDIANA
 GEORGE RADANOVICH, CALIFORNIA
 CHARLES F. BASS, NEW HAMPSHIRE
 JOSEPH R. PITTS, PENNSYLVANIA
 MARY BONO, CALIFORNIA
 GREG WALDEN, OREGON
 LEE TERRY, NEBRASKA

ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
 Washington, DC 20515-6115

W.J. "BILLY" TAUZIN, LOUISIANA,
 CHAIRMAN

December 11, 2001

JOHN D. DINGELL, MICHIGAN
 HENRY A. WAXMAN, CALIFORNIA
 EDWARD J. MARKEY, MASSACHUSETTS
 RALPH M. HALL, TEXAS
 RICK BOUCHER, VIRGINIA
 EDOLPHUS TOWNS, NEW YORK
 FRANK PALLONE, JR., NEW JERSEY
 SHERROD BROWN, OHIO
 BART GORDON, TENNESSEE
 PETER DEUTSCH, FLORIDA
 BOBBY L. RUSH, ILLINOIS
 ANNA G. ESHOO, CALIFORNIA
 BART STUPAK, MICHIGAN
 ELIOT L. ENCEL, NEW YORK
 TOM SAWYER, OHIO
 ALBERT R. WYNN, MARYLAND
 GENE GREEN, TEXAS
 KAREN MCCARTHY, MISSOURI
 TED STRICKLAND, OHIO
 DIANA OCLETTE, COLORADO
 THOMAS H. BARNETT, WISCONSIN
 BILL LUTHER, MINNESOTA
 LOIS CAPPS, CALIFORNIA
 MICHAEL F. DOYLE, PENNSYLVANIA
 CHRISTOPHER JOHN, LOUISIANA
 JANE HARMAN, CALIFORNIA

DAVID V. MARVENTANO, STAFF DIRECTOR

The Honorable Richard A. Meserve
 Chairman
 Nuclear Regulatory Commission
 One White Flint North Building
 11555 Rockville Pike
 Rockville, Maryland 20852

Dear Chairman Meserve:

As part of the Energy and Commerce Committee's examination of the preparedness of the United States to address domestic terrorism, we are examining the availability and movement of radioactive materials into and within the United States. Pursuant to this review, we are writing to express our concerns regarding potential weaknesses with respect to the security of radioactive materials that may be imported or otherwise obtained by Nuclear Regulatory Commission (NRC) regulated materials licensees.

As you know, the Committee is closely examining the Commission's top-to-bottom review of security with respect to all licensed activities. As part of that review, we ask you to immediately consider the following actions to better ensure that radioactive materials of significant quantities and types ordered by NRC materials licensees do not fall into the wrong hands and pose a threat to public health and safety. First, we believe immediate background checks should be conducted for any foreign national who has received an NRC materials license over the past three years, or who has an application pending, particularly those licensees that have ordered or received nuclear materials. Second, we believe NRC should commence expedited inspections of the physical premises of all materials licensees that have not been inspected to date, and delay the effective date of any new license until a physical inspection verifies that the facility is located at the address specified on the license application and verifies that the facility is, in fact, what it purports to be. These requests pertain to materials licensees, not commercial power plant licensees.

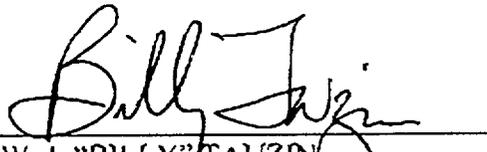
We are also concerned that the U.S. Customs Service (USCS) and the NRC have not developed a system that ensures that all shipments of nuclear materials that physically enter the United States from outside of the Customs territory are ordered by, and delivered to, a licensed recipient at the address of the facility specified in the license. We understand that there is no

The Honorable Richard A. Meserve
Page 2

effective interface between the NRC's Licensing Tracking System (LTS) and the USCS Automated Brokerage System. We ask that you immediately develop a system that ensures that the delivery of imported radioactive materials is only to licensed recipients at the premises cited in the license. By copy of this letter, we are making the same request to the USCS.

Please provide your response to these concerns no later than Friday, December 21, 2001. If you have any questions, please contact us, or have your staff contact Dwight Cates of the majority staff at (202) 226-2424, or David Nelson of the minority staff at (202) 226-3400. Thank you for your prompt attention to these matters.

Sincerely,


W. J. "BILLY" TAUZIN
CHAIRMAN


JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable James C. Greenwood, Chairman
Subcommittee on Oversight and Investigations

The Honorable Peter Deutch, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Robert C. Bonner, Commissioner
United States Customs Service