

EDO Principal Correspondence Control

FROM: DUE: 08/15/07

EDO CONTROL: G20070510

DOC DT: 07/17/07

FINAL REPLY:

Senator Thomas R. Carper
Senator George V. Voinovich

TO:

Chairman Klein

FOR SIGNATURE OF :

** PRI **

CRC NO: 07-0483

Chairman Klein

DESC:

ROUTING:

Request for Full Reports on (1) GAO Obtaining
a License to Buy Radioactive Material Under a
False Company and (2) Inadequate Safety Procedures
and Controls at the Nuclear Fuel Services Plant

Reyes
Virgilio
Kane
Ash
Ordaz
Cyr/Burns
Travers, RII
Zimmerman, NSIR
Schmidt, OCA
Persinko, OEDO
Kunowski, OEDO
Malloy, OEDO
Rakovan, OEDO
GAO File

DATE: 07/18/07

ASSIGNED TO:

CONTACT:

EDO	Rakovan
FSME	Miller
NMSS	Weber

SPECIAL INSTRUCTIONS OR REMARKS:

FSME and NMSS provide input to Lance Rakovan, OEDO
by August 8, 2007. Lance Rakovan, OEDO to
consolidate input and prepare response for the
signature of the Chairman.

OCA Note: Request for briefing.

POC: Lance Rakovan, OEDO

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 18, 2007 09:13

PAPER NUMBER: LTR-07-0483

LOGGING DATE: 07/18/2007

ACTION OFFICE: EDO

AUTHOR: SEN Thomas Carper

AFFILIATION: CONG

ADDRESSEE: CHRM Dale Klein

SUBJECT: Request for full reports on 1) GAO obtaining a license to buy radioactive material under a false company and 2) inadequate safety procedures and controls at the Nuclear Fuel Services plant in Erwin, Tennessee

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack.

LETTER DATE: 07/17/2007

ACKNOWLEDGED No

SPECIAL HANDLING: Two full reports are requested by the beginning of September 2007.

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 08/17/2007

DATE SIGNED:

EDO --G20070510

United States Senate

WASHINGTON, DC 20510

July 17, 2007

The Honorable Dale E. Klein
Chairman
U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Klein:

Over the past week, two separate issues regarding the NRC have come to light that we feel are cause for concern. First, the Government Accountability Office (GAO) reported to Congress on its ability to set up a false company, and within a month, obtain a license to buy radioactive material. Second, inadequate safety procedures and controls at the Nuclear Fuel Services (NFS) plant in Erwin, Tennessee, led to an alarming release of highly-enriched uranium in March 2006.

The safety and security of our nation's nuclear infrastructure and radioactive devices is the NRC's most basic duty. In our leadership capacity on the Senate Clean Air and Nuclear Safety Subcommittee, we have always sought to ensure that the NRC is capable of fulfilling this responsibility. It is extremely disturbing that NRC's licensing process was so easily circumvented by the GAO and that a facility that involves highly-enriched uranium solution could be licensed with what appears to be very minimal configuration and procedural controls. These two incidents raise serious questions about the capacity of the NRC to carry out its most important function.

Additionally, we have worked hard over the past several years to prompt your Agency to be more open and proactive in its communications with outside stakeholders. Time and time again, we have stressed the importance of improving public confidence in the Agency with you and your predecessors, especially in light of the fact that this country is facing a resurgence of nuclear power, a resurgence that we welcome. That is why we are disappointed that these two serious incidents were not shared with us in a timely fashion.

Regarding the undercover operation conducted by the GAO, it is our expectation that when such an alarming report is being presented to Congress, the Commission will schedule a personal briefing with us the day the report is being presented, or as close to that date as possible. With respect to the incident at the NFS facility in Tennessee, we are concerned with the Commission's failure to notify Congress and the public in a timely manner.

While the NRC has given us reasonable assurance that these two safety concerns will be resolved in the near future, we request a full report be prepared for our offices by the beginning of September. Specifically, each report should include at least the following information:

1. A synopsis of the incident itself;
2. A complete listing of institutional and episodic failures of the Commission and/or of the licensee;
3. A full report on corrective actions the NRC has identified and a timeline for their implementation; and,
4. A list of suggested corrective actions that the NRC does not have the statutory authority or resources to implement in a timely fashion.

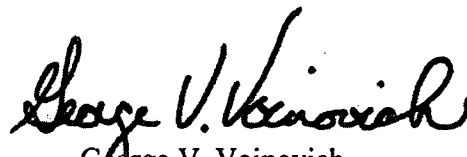
We will be closely monitoring the Agency's response to these incidences and will expect a progress report at our next oversight hearing that is likely to be held in the September-October time frame.

With best personal regards,

Sincerely,



Thomas R. Carper
Chairman
Subcommittee on Clean Air
and Nuclear Safety



George V. Voinovich
Ranking Member
Subcommittee on Clean Air
and Nuclear Safety

From: "Lawler, Tom (Carper)" <Tom_Lawler@carper.senate.gov>
To: "Betsy Keeling" <BJK@nrc.gov>, "Rebecca Schmidt" <RLS8@nrc.gov>
Date: 07/17/2007 6:14:34 PM

Letter attached

CC: "Johnston, Todd (Voinovich)" <Todd_Johnston@voinovich.senate.gov>

Mail Envelope Properties (469D3F41.D24 : 5 : 32036)**Subject:****Creation Date**

07/17/2007 6:13:44 PM

From:

"Lawler, Tom (Carper)" <Tom_Lawler@carper.senate.gov>

Created By:Tom_Lawler@carper.senate.gov**Recipients**

nrc.gov

OWGWPO04.HQGWDO01

BJK (Betsy Keeling)

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TWGWPO02.HQGWDO01

RLS8 (Rebecca Schmidt)

voinovich.senate.gov

Todd_Johnston CC (Todd (Voinovich) Johnston)

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Files

MESSAGE

Document.pdf

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Size

17

469960

645644

Date & Time

07/17/2007 6:13:44 PM

Options**Expiration Date:**

None

Priority:

Standard

ReplyRequested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled