

COMMITTEE ON THE BUDGET

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AND NATURAL RESOURCES

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AND TRADE

CHAIRMAN,
NORTHEAST-MIDWEST COALITION

CHAIRMAN,
ENVIRONMENTAL AND ENERGY
STUDY CONFERENCE

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316 NORTH CAPITOL AVENUE
SUITE A1
LANSING, MI 48933
(517) 377-1644

Congress of the United States
House of Representatives
Washington, DC 20515

March 17, 1987

The Honorable Lando W. Zech
Chairman
Nuclear Regulatory Commission
1717 H. Street, N.W.
Washington, D.C. 20555

Dear Chairman Zech:

As members of the House Committee on Foreign Affairs, we view the prospect of terrorists gaining access to nuclear materials as one of the most serious of all threats to our national security. As you know, we were able to express our concern in the last Congress through the passage of Title IV of The Omnibus Diplomatic Security and Anti-terrorism Act of 1986 (PL 99-399). Title IV contains a number of provisions designed to guarantee that nuclear materials subject to U.S. controls are adequately protected from the risk of nuclear terrorism.

With incidents of international terrorism so clearly on the rise, these efforts to keep nuclear grade material out of the hands of terrorist groups take on an added urgency. Therefore, we wish to take this opportunity to inquire about the implementation of the provisions of Title IV with particular emphasis upon section 603, which adds a significant new provision to the Atomic Energy Act (AEA) regarding the responsibility of the Secretary of Defense.

Section 603 -- which was strongly supported by our committee and agreed to unanimously by the Senate -- requires the Nuclear Regulatory Commission and the Secretary of Energy to consult with the Secretary of Defense on the adequacy of the physical security for specific shipments of nuclear material. Congress' intent was to involve the Department of Defense -- with its unique perspective and special expertise in providing physical security for U.S. nuclear weapons -- in any shipment decision. The purpose of the consultations with the Secretary of Defense is to determine whether, in his view, the actual physical security measures that would be applied to each individual shipment would be adequate to deter theft, sabotage or any other act of terrorism which would result in the diversion of that material.

We understand that, because Section 603 applies to the export or transfer of nuclear materials outside the United States, it may be important to obtain specific, detailed information necessary for meaningful consultations from other nations which are recipients of nuclear materials. Because adequate physical security is in our mutual interests, we would expect this information to be acquired by your agency and to be provided to the Secretary of Defense.

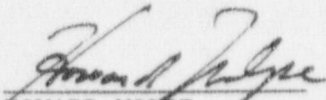
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PDR COMMS NRCC
CORRESPONDENCE PDR

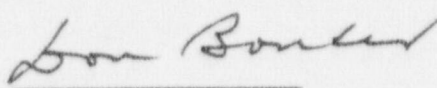
In order to improve our understanding of the current implementation of Section 603, we request that you provide the Committee with the following information:

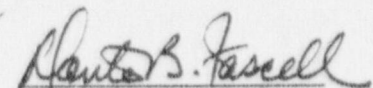
- What approvals or export licenses (as appropriate) have come under consideration or have been approved since Section 603 was enacted on August 27, 1986?
- What steps have been taken to conduct consultations with the Secretary of Defense on any such cases? Please include copies of all correspondence and documents relating to the implementation of Section 603 that were sent to or received by your agency.
- We note that the Convention on the Physical Protection of Nuclear Material (INFCIRC 274) has recently entered into force. Article 5 of that Convention requires that "States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for coordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereto." Has this information been obtained by the United States for any approval or pending cases? Has it been provided, along with information about specific physical security measures to be taken by recipients of U.S. nuclear materials, to the Secretary of Defense?
- Please provide your best estimate of the amounts of plutonium and highly enriched uranium whose transfer you expect to approve or license over the next five years. Please include the recipient costs, the amount, number of shipments, and mode of transportation to be used.

We request that you provide this information not later than April 3, 1987.

Sincerely,


HOWARD WOLPE
Member of Congress


DON BONKER
Member of Congress


DANTE B. FASCELL
Member of Congress

cc: The Honorable George Schultz
The Honorable Caspar W. Weinberger
The Honorable Kenneth L. Adleman
The Honorable John S. Herrington

HW:lkc

THE CHAIRMAN
SUBCOMMITTEE ON ENERGY
AND NATURAL RESOURCES

CHAIRMAN
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BATTLE CREEK, MI 49014
(616) 962-6511 EXT. 6212

316 NORTH CAPITOL AVENUE
SUITE A1
LANSING, MI 48933
(517) 371-644

March 17, 1987

The Honorable John S. Herrington
Secretary
Department of Energy
Forrestal Building
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Secretary Herrington:

As members of the House Committee on Foreign Affairs, we view the prospect of terrorists gaining access to nuclear materials as one of the most serious of all threats to our national security. As you know, we were able to express our concern in the last Congress through the passage of Title IV of The Omnibus Diplomatic Security and Anti-terrorism Act of 1986 (PL 99-399). Title IV contains a number of provisions designed to guarantee that nuclear materials subject to U.S. controls are adequately protected from the risk of nuclear terrorism.

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March 16, 1987

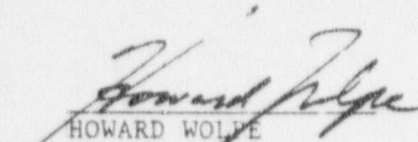
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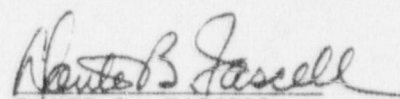
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HOWARD WOLPE
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The Honorable Lando W. Zech

HW:lk