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JOINT ECONOMIC

# United States Senate

WASHINGTON, DC 20510

June 19, 2014

Alison M. Macfarlane  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Macfarlane,

As you know, radiological sources are used worldwide in numerous legitimate applications. However, if even small amounts of certain types of these sources were to be obtained by terrorists, they could be used to produce a radiological dispersal device or "dirty bomb." A recent Government Accountability Office (GAO) report revealed at least two cases in which individuals with significant criminal histories were granted access to such materials. I write to ask for your assistance in strengthening the trustworthiness and reliability process for vetting employees at companies using radiological sources to ensure these potentially dangerous materials do not fall into the wrong hands.

In 2012, a GAO witness testified that GAO had identified serious weaknesses in the regulation of radiological sources in medical applications. Concerned that these findings were symptomatic of a broader problem with regulation of such sources in industrial and agricultural applications, I joined two of my colleagues in requesting that GAO extend its review to focus on the security of industrial radiological sources. My office received GAO's report recently.

During its investigation, GAO visited 33 industrial facilities, including some in my home state of Pennsylvania. The subsequent report details several recommendations to improve the security of radiological sources, including some directed at the Nuclear Regulatory Commission (NRC). Specifically, GAO recommended that to close security vulnerabilities, NRC should conduct an assessment of its trustworthiness and reliability (T&R) process to determine whether the existing process sufficiently protects against insider threats. Based on GAO's findings, I believe that such an assessment is fully warranted and NRC should promulgate a security order establishing disqualifying criteria in the T&R process.

GAO's report demonstrates that the high degree of subjectivity that licensees are permitted in the T&R process is failing to protect against the danger of insider threats. I am deeply concerned by GAO's finding that in at least two unique cases, employees with extensive criminal histories – and one with a conviction of terroristic threats – were granted unescorted access to high-risk radiobiological sources. One of these employees stole from the respective licensee and the other impersonated a radiography inspector and was later found to be a threat to public health and safety.

It is unacceptable that these individuals would be allowed unfettered access to such sensitive radioactive material that could be used to construct a "dirty bomb." I am equally troubled by GAO's finding that at least in one of those cases, NRC officials gave no indication that they intended to pursue the case further. If these allegations are correct, NRC must involve itself in the T&R process to enact reforms and tighten security.

I understand that NRC's current approach to ensuring reasonable assurance against insider threats is to require licensees "to collect and to consider various types of information," including a FBI criminal history pursuant to a 2007 NRC security order. After collection and consideration of such information, the licensee then makes a determination based on their own judgment, without any NRC-identified disqualifying criteria to help clarify and guide the process.

At a minimum, NRC should establish basic disqualifying criteria to reduce the subjectivity of the T&R process that has allowed these individuals access to dangerous radioactive material. NRC should, at the very least, establish disqualifying criteria that evidence of a conviction for terroristic threats is a disqualifying factor in the T&R process. Evidence of a criminal history should also be considered grounds for disqualification or should necessitate a heightened vetting process to ensure that the prospective employee can be trusted to have unescorted access to dangerous radiological sources.

I understand from NRC's response to the GAO report that NRC plans to reevaluate the T&R process. I urge you to conduct this review thoroughly and expeditiously to ensure that our national security is protected. I also respectfully request that you reply to me with your assessment of GAO's findings with regards to insider threats and the T&R process for licensees. I also request that in your response, you provide me with a detailed timeline with regards to reforming the process.

Thank you for your leadership of the Commission, and I look forward to working with you on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Bob Casey, Jr." in a cursive, slightly stylized font.

Robert P. Casey, Jr.  
United States Senator