

October 16, 1996

Mr. Robert Trotter  
Assistant Commissioner  
Office of Field Operations  
U. S. Customs Service  
Washington, DC 20229

Dear Mr. Trotter:

I am forwarding to you for your consideration a July 9, 1996, letter from Michael H. Mobley, Director of the State of Tennessee's Division of Radiological Health. Mr. Mobley's letter raises two main concerns, the first of which regards the unintended importation of radioactive material in scrap and/or products. Any information which you could provide to Mr. Mobley on the efforts that the Customs Service has undertaken in this area would be appreciated. I have also forwarded Mr. Mobley's letter to, and made the same request of, the Environmental Protection Agency. Should you wish to discuss this issue, please contact Ronald Hauber, Director of Non-Proliferation, Exports and Multilateral Relations of the Office of International Programs at (301) 415-2344.

Sincerely,

*Original signed by*  
*James M. Taylor*

James M. Taylor  
Executive Director  
for Operations

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July 9, 1996

Shirley Jackson, Chairman  
U.S. Nuclear Regulatory Commission  
Document Control Desk  
P1-37  
Washington, D.C. 20555

Dear Chairman Jackson:

A recent event in Arkansas involving radioactive material imported from the Netherlands creates great doubt in my mind regarding this Country's current position regarding unintended importation of radioactive material in scrap and/or products.

I am concerned that this problem has presented itself several times with minimal response and/or consideration at the national level. The only real action taken was the purported equipping of some ports of entry with radiation detection equipment. At the time, it seemed a ludicrous exercise and has certainly proven a futile one.

The second issue involved in the Arkansas instance was the lack of an adequate federal response to the repeated request of a state radiation control agency for assistance. This was a situation that was predicted in comments on the draft FRERP where multiple federal agencies may have jurisdiction depending on the pedigree of the source. In this case, the agency (EPA) with the federal lead, failed to respond. This left the other federal agencies in a quandary. They could provide assistance to the states and step on the lead agencies toes, or just ignore the state pleas for assistance. Just as occurred in the Juarez incident, it was the state agencies that were forced to deal with the situation because of inaction on the part of federal agencies.

The combination of these two circumstances creates a significant concern for me (and other state radiation control personnel, I am sure). Unlike domestic situations, we have

Chairman Jackson

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little ability to effect the return of imported scrap and with no dependable federal assistance, the situation could be grim.

I believe the NRC should investigate this situation and provide for a better mechanism than currently exists to handle these problems. In the case of the material in Arkansas, it could have easily been (and still may be) components of a nuclear device from the old Soviet Republic.

In this specific incident in Arkansas, Tennessee, working with one of its licensed radioactive material processors, was able to provide assistance to Arkansas; but that may not always be possible. There needs to be a better mechanism to assure this material is not imported and if the federal agencies are going to tout their emergency response capabilities, they are going to have to produce results when a request for assistance is needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael H. Mobley", with a long horizontal flourish extending to the right.

Michael H. Mobley  
Director

MHM:sk

jackson/mhm96#2