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August 24, 2004

The Honorable Tom Ridge
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Ridge:

I am writing to you regarding an upcoming shipment of 140 kilograms of weapons-grade plutonium from the U.S. to France. I am concerned that the security planned for this shipment that will consist of enough material for numerous nuclear weapons may not be sufficient to protect it from theft or attack.

As you know, Al Qaeda has long been seeking to commit acts of terrorism using or involving nuclear materials or facilities. In fact, an August 25 2003 article in Le Monde stated that an alleged terrorist who had been arrested had been targeting the trucks used to transport plutonium through France. A very disturbing video obtained by my office from Greenpeace indicated that an attack on such a shipment would not pose much of a challenge, since the trucks were very easily identified, followed and filmed traveling along highways in France, and were only lightly guarded.

Despite the apparent inadequacy of security measures for the shipment in France and petitions by several public interest groups, the Nuclear Regulatory Commission (NRC) approved the export on June 15, 2004. Since that time, the Department of Homeland Security (DHS) announced that it believed that terrorists would seek to attack the U.S. this summer in order to disrupt the upcoming election.


Clearly, any terrorist attack on shipments of U.S.-origin weapons-grade plutonium could cause widespread panic, confusion and damage. In the worst-case scenario, however, such an attack could result in the theft of purified plutonium oxide, and/or the successful construction and detonation of a homemade nuclear weapon. Because of the seriousness of such an event and the DHS role in ensuring our homeland security, I ask for your prompt response to the following questions:

- 1) Was DHS consulted by either the Department of Energy (DOE) or NRC prior to the approval of this export on June 15 2004? If so, please fully describe all such contacts, and provide copies of all correspondence related to these consultations. If not, why not?

- 2) Was DHS consulted by either DOE or NRC regarding this shipment after it issued its most recent terror warning? If so, please fully describe all such contacts, and provide copies of all correspondence related to these consultations. If not, why not?
- 3) What role, if any, has the Department played in the development of the security plan for this shipment? Has DHS assessed the planned security measures for this shipment at all, particularly in light of recent intelligence indicating that Al Qaeda wishes to disrupt U.S. elections? If so, what did you find? If not, why not?
- 4) Has a threat assessment been prepared for this shipment? If so, have you reviewed it? If not, why not?
- 5) Does the Department believe that the physical security measures that will be used for the shipment once it reaches France are up to the same standards employed in the U.S.? Has the Department performed an independent review of the French measures, or is it merely accepting without any independent inquiry or investigation assurances provided by the French Government or other parties?
- 6) Has the Department reviewed any testing of the FS-47 containers that will be used to ship the plutonium? If so, what were the results? If not, why not?
- 7) The shipment will evidently be transported aboard 2 British ships. Will the U.S. Coast Guard be in charge of security until the ships leave U.S. territorial waters? If not, who will be in charge?
- 8) Will the U.S. Coast Guard be in control of any weapons on the ships until they leave U.S. waters? If not, who will be in control?
- 9) Will the U.S. Coast Guard or the U.S. military be providing an escort for the ships while in U.S. and international waters? If not, why not?
- 10) Will any U.S. Government officials accompany the shipment until it reaches its destination in France? If so, who? If not, then does that mean that the British Government will be in control until the shipment reaches France, with the French Government taking over from there?

Thank you very much for your prompt attention to this important matter. Because the shipment is likely to occur in mid-late September, I ask that you respond no later than September 10, 2004. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,


Edward J. Markey