

**Statement of**  
**Senator Daniel K. Akaka**  
“Dirty Bomb Vulnerabilities: Fake Companies, Fake Licenses, Real  
Consequences”  
Permanent Subcommittee on Investigations  
Committee on Homeland Security and Governmental Affairs

July 12, 2007

Thank you, Mr. Chairman, for holding this timely and important hearing. Despite the numerous measures designed to tighten domestic and international control over the last several years, high-risk radioactive sources are still vulnerable to theft and misuse.

I have been concerned about this threat for several years. In 2000, as Ranking Member of the International Security Subcommittee, I expressed my concern that we needed to be better prepared to respond to terrorist attacks.

This led me in early 2002 to request that the Government Accountability Office investigate domestic and international control of radioactive sources, including the Nuclear Regulatory Commission’s licensing and control of radioactive sources.

In an August 2003 report to me, GAO stated that the NRC did not know the precise number of sealed sources in use in the U.S., that NRC had difficulty in accounting for generally licensed devices containing sources, and that the security of those devices varied at the state level. As a result, I introduced legislation in 2003 to safely and securely dispose of low level radioactive waste. This finally became law in the Energy Policy Act of 2005. The fact is that my legislation should not have been necessary - the NRC and the Department of Energy should have solved this problem. But unfortunately, my legislation wasn’t enough.

GAO testified in front of the Permanent Subcommittee on Investigations three years later that more work needed to be done. On March 28, 2006, Gregory Kutz, Managing Director of Forensic Audits and Special Investigations at GAO, one of our witnesses here today, stated that undercover GAO investigators were able to buy radioactive sources using a fake company and were able to transport the material using falsified NRC documents modeled after those they found on the internet. The results of GAO’s most recent sting operation indicate that these vulnerabilities in the licensing process still exist.

Clearly, more work still needs to be done if we are going to prevent a dirty bomb attack on U.S. soil. The critical first step in that process must be to ensure strong regulatory control over the material used to make such a bomb.

If we are to believe the March 10, 2007, statement of captured Al Qaeda operative Khalid Sheikh Mohammad, in which he told a U.S. military tribunal that he was “directly in charge....of managing and following up on dirty bomb operations on American soil,” then the risk of a dirty bomb attack by terrorists remains very real. We cannot allow the NRC licensing system to continue to fail, as it did during the two GAO undercover operations.

In closing, I would like to remind this subcommittee of another Al Qaeda operative, Dhiren Barot, who told a British court in May about his plans to attack the U.S. and U.K. using a dirty bomb comprised of “a few grams of cobalt-60 with several pounds of explosives....enough to close off an area the size of Manhattan.” These words are chilling, but remind us that we must be vigilant.

I would once again like to thank Chairman Levin and Ranking Member Coleman for organizing this hearing and look forward to discussing what steps we can take to ensure that a dirty bomb attack on U.S. soil never happens.

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