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June 25, 2008

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AND CHIEF COUNSEL

The Honorable Gene L. Dodaro
Acting Comptroller General
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

The Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL), which is one of the Nation's two nuclear weapons design laboratories, protects significant quantities of Category I and II special nuclear material, deemed to be of great potential value to a potential adversary. LLNL uses this material, including plutonium-239 and highly enriched uranium, for nuclear weapons certification and design activities; however, it can also be used to fabricate an improvised nuclear device capable of producing a nuclear yield or a radioactive dispersal device (e.g., a dirty bomb). Because of these risks, DOE has developed a design basis threat (DBT) analysis, a classified document that identifies the potential size and capabilities of terrorist forces. DOE requires that its contractors provide sufficient protective forces and equipment to defend against the threat contained in the DBT. The current DBT that governs most contractors was issued in 2005.

In April 2008, the Department of Energy's Office of Independent Oversight completed an evaluation of safeguards and security at LLNL, providing a review of LLNL's security posture, which causes us grave concern. Specifically, the evaluation identified problems with key aspects of LLNL's protective strategy, as well as malfunctioning equipment, inadequate staffing, and insufficient training. This shortfall is particularly alarming given that (1) LLNL only complies with a less protective DBT approved by DOE in 2003, and (2) LLNL is unique among DOE Category I sites in that it is located in the heavily populated San Francisco Bay area and is immediately adjacent to residential neighborhoods.

We are aware of plans by DOE to permanently remove—or "de-inventory"—all Category I and II special nuclear material from LLNL by 2012. This planned de-inventory also provides for relocation of LLNL's plutonium research and development mission to a user facility at Los Alamos National Laboratory. It has come our attention that potential options are available to accelerate the

de-inventory schedule by utilizing interim storage capabilities at other nuclear weapons facilities, such as the Nevada Test Site and the Pantex Plant. We recognize that regardless of how quickly de-inventory can be accomplished, as long as LLNL is home to Category I and II special nuclear material, the site must have effective security.

Given the risks associated with Category I special nuclear material, dramatic improvement in LLNL's security posture is required immediately. We intend to closely oversee these efforts and hold accountable those officials who certified that LLNL's security posture was adequate to meet the postulated threat. We ask that the Government Accountability Office (GAO) to assist us in these efforts. Our requests are as follows:

(1) Please characterize LLNL's security posture as of April 2008—when DOE conducted its independent security evaluation—and identify the material LLNL was protecting at its Category I special nuclear material facility, known as Superblock.

(2) Please determine what factors contributed to the problems found by the Office of Independent Oversight in key aspects of LLNL's protective strategy and why these factors were not addressed in LLNL's security program plans. Further, we request that GAO determine whether the National Nuclear Security Administration (NNSA) Site Office at LLNL had identified similar problems in its annual security surveys.

(3) We request that GAO identify LLNL's current plans for de-inventorying Category I and II special nuclear material from the laboratory and evaluate the possible alternatives that would allow LLNL to accelerate this process.

(4) Please identify what corrective actions LLNL is taking to address the root causes of the security problems the Office of Independent Oversight identified and how the NNSA is overseeing these actions.

(5) Please review the DOE/NNSA schedule and plans to ensure that LLNL's security is effective.

We request that GAO provide the results of their review in a briefing to the Subcommittee on Oversight and Investigations as soon as possible. If further information is needed, please contact John F. Sopko or Richard Miller with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

The Honorable Gene L. Dodaro
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cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations