



**Homeland  
Security**

March 6, 2006

Mr. Eugene Aloise  
Director Natural Resources and Environment  
Government Accountability Office  
Washington, DC 20548

Dear Mr. Aloise:

Thank you for providing us with a copy of the draft report GAO-06-389 *Combating Nuclear Smuggling: DHS Has Made Progress Deploying Radiation Detection Equipment, but Concerns Remain*, which examines the Department of Homeland Security's (DHS) recent progress in the deployment and use of radiation detection equipment, improving the capabilities and testing of such equipment, and the level of cooperation between DHS and other federal agencies in conducting radiation detection programs.

The GAO report is factually correct; however it does not completely capture the enormity or complexity of the Radiation Portal Monitor (RPM) program. CBP, in conjunction with the DHS Domestic Nuclear Detection Office (DNDO), is continuing the deployment of this vital radiation screening technology along the northern land border, international mail and express consignment facilities, seaports and along the southern border, where DHS has deployed hundreds of RPMs and other hand held detection devices. From these deployments, DHS has gained significant experience regarding radiation alarms and implemented strict national response protocols and standard operating procedures to facilitate alarm responses. To date, CBP has screened over 80 million conveyances with RPMs and has successfully resolved all alarming conveyances, over 318,000 radiation alarms. In fact, nearly all radiation alarms that have been encountered have been inspected and cleared in a matter of minutes with minimum disruption to the normal flow of traffic.

DHS has engaged numerous stakeholders in cooperative efforts that support the goals of the radiation detection program. DHS recognizes that security-induced disruptions to the U.S. economy ultimately serve the terrorists' goal of harming our economic well being, and is determined to raise our security profile while simultaneously facilitating the free

flow of legitimate trade. We achieve both the security and facilitation of trade by coordinating closely with all stakeholders throughout the course of the program.

A wide variety of Department of Energy (DOE) laboratories and offices continue to provide technical support to DHS in the areas of threat definition, equipment performance standards development, technology assessment and evaluations, on-site operational assistance and alarm response. DHS is working with DOE Second Line of Defense, now actively engaged in similar deployments overseas, supporting the Container Security Initiative. To support this program, DHS also forged relationships with various port authorities, bridge commissions, and federal and state agencies such as the United States Postal Service and the General Services Administration, and further has established memorandum of understanding with commercial entities such as Federal Express and United Parcel Service to implement overseas radiological screening of packages destined to the United States.

To date, DHS has deployed 684 RPMs to our ports of entry. DHS' current RPM screening capability for conveyances, travelers and packages entering the United States is as follows:

- Based on our deployment of 57 RPMs to our mail and express courier facilities, and in conjunction with our memorandum of understanding with Federal Express and United Parcel Service, 100% of all mail and packages entering the United States are screened for illicit radiological materials.
- With the 222 RPMs deployed along the northern border, DHS screens approximately 80% of personally owned vehicles (POV) traffic and 90% of commercial truck traffic entering from Canada.
- With the 154 RPMs deployed at our seaports, DHS screens approximately 34% of all sea-borne containers entering the United States.
- With the 251 RPMs deployed along the southern border, DHS screens approximately 74% of personally owned vehicles (POV) traffic and 88% of commercial truck traffic entering from Mexico.

DHS has also deployed approximately 12,500 personal radiation detectors (PRD) and over 550 radiation isotope identification devices (RIID) to our ports of entry. At the ports of entry, DHS has implemented a policy requiring 100% PRD coverage at primary chokepoints or at passport control stations. Additionally, all high-risk conveyances are examined with Non-Intrusive Inspection technology and with radiation detection technology. No officer is authorized to employ any such detection devices without first receiving formal training.

As part of its future vision, DHS goals are to accelerate the pace of radiation monitoring equipment deployments, to improve the overall quality and effectiveness of this technology, and to integrate them at a national level to facilitate improved alarm

response, data collection and analysis, as well as maintenance status monitoring and life cycle support. DHS will continue looking for new strategies, technologies, and partnerships to deter, detect and interdict terrorists attempting to transport illicit nuclear and radiological weapons and/or materials into the United States. DHS has learned a great deal from our deployments of radiation detection technology and will continue to review and improve upon the methods and procedures associated with this technology.

With respect to the classification of this report, GAO did not mark the document "For Official Use Only." Please note that the information DHS provided during the course of this audit concerns the technical capabilities and deployment of DHS radiation detection devices around the United States. These source materials were forwarded pursuant to the GAO statutory authority to examine government records, on the condition that GAO accord them the same level of confidentiality that DHS accords them pursuant to 31 U.S.C. § 716(e). Specifically, these materials were provided only for the use of GAO personnel working on this matter and may not be released publicly.

DHS treats its radiation detection capabilities with the highest care. DHS considers this material as "For Official Use Only - Law Enforcement Sensitive" and thus exempt from public disclosure under FOIA and subject to governmental privileges should it be sought in litigation. Disclosure to the public of the technical and operational details of DHS's radiation detection capabilities is sensitive, and could reasonably be expected to risk circumvention of laws DHS enforces, including the prevention of unlawful entry of radioactive material into the United States. Therefore, this version of the report must be treated as "For Official Use Only-Law Enforcement Sensitive."

The following represents the Departmental response to the recommendations contained in the draft report.

**Recommendation 1:** In order to complete the radiation portal monitor deployment program, as planned, we recommend that the Secretary of Homeland Security working with the Director of DNDO, in concert with CBP and PNNL, devise a plan to close the gap between the current deployment rate and the rate to complete deployments by September 2009.

**Response:** Concur. CBP and DNDO will work with the Department to facilitate improvements to the development and approval process associated with the spend plan. Both CBP and DNDO are in favor of the spend plan approval process being revised and streamlined.

**Recommendation 2:** We recommend that once cost and capabilities of advanced technology portal monitors are well understood, and before any new equipment is purchased, the Secretary of Homeland Security will work with the Director, DNDO to analyze the benefits and costs of deploying advanced portal monitors.

**Response:** Concur. The DNDO fully intends to analyze the benefits and costs associated with deployment of advance portal monitors.

**Recommendation 3:** To help speed seaport deployments and to help ensure that future rail deployments proceed-on time, we recommend that the Secretary of Homeland Security, in cooperation with the Commissioner of CBP, develop procedures for effectively screening rail containers and develop new technologies to facilitate inspections.

**Response:** Concur. In terms of screening rail shipments at our seaports, CBP has deployed and will continue to deploy Radiation Portal Monitors (RPM) for on-dock and intermodal containers that are transported, via chassis, to railcars. Of the top priority seaports which are comprised of 93 terminals and account for approximately 98 percent of all arriving containerized sea cargo, 17 sea terminals handle rail shipments. Of the 17 terminals, 13 terminals utilize chassis to transport their containers to their trains. CBP will instrument these sites with RPMs to screen the containers, being carried on the chassis, prior to the train being built. Deploying RPMs to chokepoints within these terminals provides for an efficient and effective means of screening for illicit radiological materials as well as facilitating the flow of legitimate commerce.

For the sites that handle transport containers to rail on equipment other than chassis (i.e., straddle carriers), CBP is pursuing both innovative deployment strategies and next generation technology that will effectively and efficiently screen containers without unduly disrupting the flow of commerce.

**Recommendation 4:** To increase the chances that CBP Officers find illicit radiological material, we recommend that the Secretary of Homeland Security, working with the Commissioner of CBP, consider modifying the agency's standard operating procedures for secondary inspections to include physically opening cargo containers during secondary inspections at all ports of entry, and particularly when the external inspection does not conclusively identify the radiological material inside.

**Response:** Partially Concur. This action is already inherent in CBP's response policy. CBP's policy is to locate and resolve every radiation alarm. If the alarm can be resolved based on the totality of the circumstances and if resolution of the alarm can be achieved with an external examination with handheld radiation detection technology, the opening of a container may not be necessary.

CBP has consistently provided its field officers with training (e.g., at the CBP Academy, RIID training, etc) that stresses the requirement to locate and resolve all radiation alarms. Our officers are trained to conduct an examination of a container by first performing a methodical search of the exterior of the alarming container. If the alarm cannot be resolved, the officer should open the container to investigate the source more closely.

CBP will revise its response policy to stress that whenever a secondary radiation portal monitor alarm cannot be resolved with an external radiation detection technology examination, an officer will open the container in order to attempt to resolve the alarm.

**Recommendation 5:** To further the chances that CBP Officers identify illicit radiological material, we recommend that the Secretary of Homeland Security, working with the Chairman of the Nuclear Regulatory Commission (NRC), develop a better means for CBP border officers to verify the authenticity of NRC licenses.

**Response:** Concur. NRC licenses are required to accompany certain legitimate shipments of radiological materials and, for the most part, only a relatively small number of companies are involved in the importation of legitimate radiological shipments that require an NRC license.

For those shipments that require an NRC license, CBP will work with the NRC to implement policy and procedures whereby CBP Officers can contact the Laboratories and Scientific Services (LSS) National Teleforensics Center which is an integral part of the National Targeting Center whenever CBP Officers need assistance in verifying the authenticity of an NRC license.

**Recommendation 6:** To ensure that CBP is receiving reliable cost and schedule data, we recommend that the Secretary of Homeland Security direct PNNL to have their earned value management system validated so that it complies with guidance developed by the American National Standards Institute/Electronic Industries Alliance. In addition, we also recommend the Secretary of Homeland Security direct CBP and PNNL to conduct an Integrated Baseline Review to ensure its earned value management data is reliable for assessing risk and developing alternatives.

**Response:** Concur. PNNL is currently in the process of having their project management system certified which will include the validation of their earned management system. The DOE/Office of Engineering and Construction Management supported by the DOD/Defense Contract Management Agency will be conducting a review of the PNNL project management system in the 1<sup>st</sup> quarter of FY07.

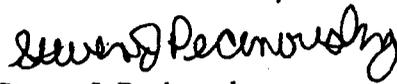
CBP has completed four project baseline reviews since 2002 as reflected in the revisions of the Project Execution Plan (PEP). Currently, the fifth revision of the PEP is under development, which is being reviewed in close coordination with the Domestic Nuclear Detection Office (DNDO). It is anticipated that the PEP, Revision 5 will be completed by April 2006.

In response to the Issue Description, it is noted that the current cost overruns and the project-at-completion forecasted cost overrun are totally within and offset by the project management reserve, thus CBP does not expect a project-at-completion overrun for the current scope of work. Specifically, this program is made up of many small projects, 374 at this time. A significant amount of the schedule variance, or project delays, can be attributed to the delay of funding transferred to PNNL as described in GAO Recommendation #1 of this report. The other major item contributing to project delays is underestimating the time required to gain stakeholder concurrence/agreement regarding site design and operational considerations. These impacts noted, cost and schedule concurrency could still be significantly increased because the physical deployments, 374

separate projects, are actually mutually exclusive and therefore are not dependant on one another. As the result of added concurrency and the anticipation of future timely funds, the likelihood of a project-at-completion cost and schedule overrun should not be realized.

We thank you again for the opportunity to review the report and provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Pecinovsky". The signature is written in a cursive style with a large, prominent initial "S".

Steven J. Pecinovsky  
Director, Departmental GAO/OIG Liaison Office