



THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

February 28, 1979

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The President
The White House
Washington, D.C.

DOE review completed.

DOJ Review Completed.

State Dept. review completed

Dear Mr. President:

As I informed you in my letter of February 12, 1979, at the request of the Attorney General I am coordinating the Department's response to your inquiry concerning our capacity to deal with the theft or diversion of nuclear materials. Your inquiry was addressed also to the Department of Energy and the Nuclear Regulatory Commission, and we have discussed this question with them.

The successful and timely results achieved in the recent case involving the theft of low enriched uranium from a General Electric plant in Wilmington, North Carolina, would indicate that the existing procedures for a coordinated response to such a domestic nuclear threat situation are adequate. (I am attaching a summary prepared by the FBI relating how it responds to such cases). The Atomic Energy Act of 1954 places responsibility on the FBI for the investigation of the theft or diversion of nuclear materials and, under a memorandum of understanding between the Department of Energy and the FBI, a comprehensive plan currently exists for joint responses to nuclear threat situations. In addition, the FBI and the Nuclear Regulatory Commission are expected to execute an appropriate memorandum of understanding in early March, which will delineate their cooperative responsibilities in this area.

Our capacity to cope with a diversion of nuclear material from the United States to a foreign country is, however, equally important. While we believe that with regard to domestic nuclear threat situations our existing procedures are satisfactory, we are not satisfied that

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an adequate plan for coordinated interagency action regarding diversion of nuclear material from the United States now exists.

A recent GAO report entitled "Nuclear Diversion in the U.S.? Thirteen Years of Contradiction and Confusion," reviewed the investigation of the alleged diversion of nuclear materials from the Nuclear Materials and Equipment Corporation (NUMEC) plant in Pennsylvania to Israel in the 1960s, and recommended that DOE, NRC, CIA and Justice establish a plan for coordinated interagency action to detect and investigate the theft or diversion of nuclear material in the future.

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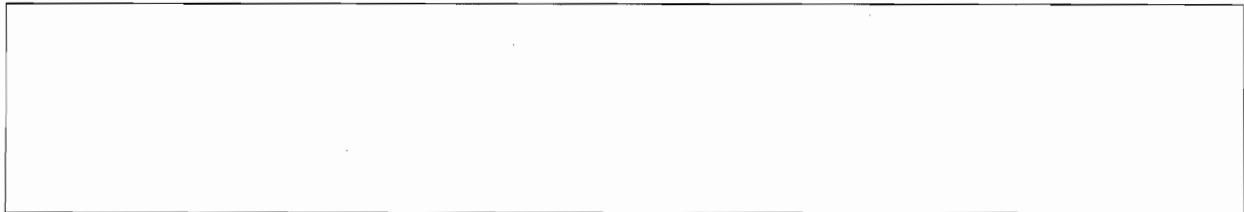
We believe, therefore, that as regards diversions from the United States to foreign nations, the CIA's participation is essential, because it is the only agency of the government with the necessary capability to obtain information abroad.

We have accepted GAO's recommendation that this Department take the lead in establishing the interagency plan. As the initial step, the Attorney General is directing the Interdepartmental Committee on Internal Security (ICIS) to study the problem and develop a comprehensive plan, with the CIA and other responsible agencies, to deal with nuclear threat situations. The

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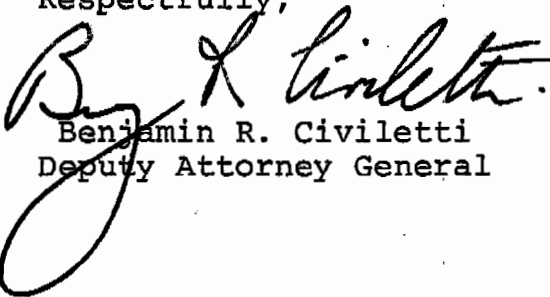
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Respectfully,


Benjamin R. Civiletti
Deputy Attorney General

Attachment

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