

November 2, 2009

The Honorable Arlen Specter  
United States Senator  
425 6<sup>th</sup> Avenue, Suite 1450  
Pittsburgh, PA. 15219

Dear Senator Specter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated August 7, 2009, regarding Dr. Zalman M. Shapiro and the previous Federal investigation of his activities as head of the Nuclear Material and Equipment Corporation (NUMEC). You requested that NRC give full and fair consideration to Dr. Shapiro's request for a formal public statement confirming that Dr. Shapiro was not involved in any activities related to the diversion of uranium. This request was based on a letter that you received from Dr. Shapiro's attorney.

The Atomic Energy Commission (AEC) and other Federal agencies investigated whether Dr. Shapiro played a role in the possible diversion of nuclear material. The AEC concluded that it had no evidence that diversion had occurred. However, the AEC also determined that it did not have sufficient evidence to conclude, unequivocally, that uranium had not been diverted. In the time period that these statements were made, the conclusions reflected the minimal nature of the material control and accounting features that were in use to detect the loss or diversion of special nuclear material.

Your request is based on information that during the decommissioning of the facility, an amount of uranium equal to the amount alleged to have been diverted had been recovered at the facility. NRC staff has reviewed agency documents related to the "material unaccounted for" (MUF) discovered at the site and investigated by the AEC in 1965, including those pertaining to additional inspections and MUF evaluations during subsequent operations, and the decommissioning activities for the facility.

Accordingly, after a thorough review of its records, NRC found no documents that provided specific evidence that the diversion of nuclear materials occurred. However, consistent with previous Commission statements, NRC does not have information that would allow it to unequivocally conclude that nuclear material was not diverted from the site, nor that all previously unaccounted for material was accounted for during the decommissioning of the site.

Sincerely,

*/RA/*

R. W. Borchardt  
Executive Director  
for Operations

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R. W. Borchardt  
Executive Director  
for Operations

This correspondence addresses policy issues previously resolved by the Commission, transmit factual information, or restates Commission policy.

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