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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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October 19, 2007

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Mr. Gene Aloise  
Director  
Natural Resources and Environment Team  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Aloise:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, September 18, 2007, at the hearing entitled "Nuclear Terrorism Prevention: Status Report on the Federal Government's Assessment of New Radiation Detection Monitors." We appreciate the time and effort you gave as witnesses before the Subcommittee.

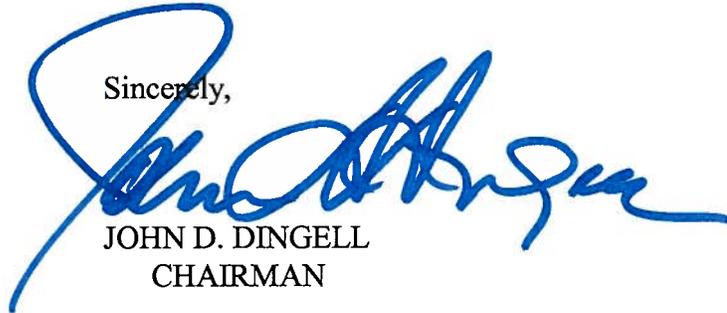
Under the Rules of the Committee on Energy and Commerce, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from Subcommittee Chairman Stupak. In preparing your answers to these questions, please address your response to Chairman Stupak and include the text of his question along with each of your responses.

In order to facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business **Wednesday, October 31, 2007**. Your written responses should be delivered to **316 Ford House Office Building** and faxed to **202-225-5288** to the attention of Kyle Chapman, Legislative Clerk. An electronic version of your response should also be sent by e-mail to Mr. Kyle Chapman at [kyle.chapman@mail.house.gov](mailto:kyle.chapman@mail.house.gov) in a single Word formatted document.

Mr. Gene Aloise  
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Kyle Chapman at (202) 226-2424.

Sincerely,

A handwritten signature in blue ink, appearing to read "John D. Dingell", is written over the typed name and title.

JOHN D. DINGELL  
CHAIRMAN

Attachment

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigations

The Honorable Ed Whitfield, Ranking Member  
Subcommittee on Oversight and Investigations

## **The Honorable Bart Stupak**

1. What are the risks to our Nation's efforts to detect nuclear smuggling in cargo if we do not know the detection limits of the Advanced Spectroscopic Portal monitors (ASPs)?
2. If you were designing a blind test, would you attempt to smuggle through radioactive materials that terrorists might have to see how the machines respond? Is that what the Domestic Nuclear Detection Office (DNDO) did in Phase 1, or did they send through materials that the ASP vendors knew were coming?
3. DNDO says that ASPs will have a backup called a "gross counting" function, and this will signal the need for secondary inspections where there are high-emission levels that could cause the masking of threat materials. Does this not solve the problem of allowing hot cargo to pass undetected when there is highly emitting masking materials?
4. In the Government Accountability Office's (GAO's) opinion, is it premature for DNDO to certify to Congress that ASPs represent a "significant increase in operational effectiveness" without finalizing the injection studies?
5. Do you believe that Phase 1 test data cannot be used for certification because the test methods allowed vendors to calibrate their algorithms in advance allowing them to better see the test materials? What should DNDO have done differently?
6. Would a two-tiered certification be a better approach than a "one size fits all" certification, which covers both primary and secondary screening?
7. What is GAO's recommendation with respect to deployment of ASPs in secondary screening?
8. How much would it cost to properly conduct the tests, if DNDO were to do it over again?
9. Should DNDO retest ASPs with the proper masking materials to ascertain the detection limits? Should DNDO refrain from retesting until the injection studies are completed?
10. DNDO says that GAO was notified on May 30, 2007, that Phase 3 tests results would be used in supporting a certification decision. GAO indicates that it first learned that Phase 3 test results would be used in support of certification on August 29, 2007. Did DNDO mislead GAO?
11. If GAO had learned that Phase 3 results would be used in support of certification on May 30, 2007, would it have changed GAO's approach to the review of the testing?
12. Can the sample sizes used in Phase 3 tests be deemed statistically significant with respect

**The Honorable Bart Stupak (continued)**

to probability of detection? If not, can they still be used to support a full-scale production decision?

13. You testified that without seeing Phase 3 and blind test results, it is too soon to know whether DNDO should simply retest. If the Phase 1 tests are biased, and the Phase 3 tests lack statistical significance, why should DNDO not be directed to retest?
14. In the course of your investigation, you contacted both the Customs and Border Protection (CBP) and Department of Energy (DOE), and you then advised DNDO staff about their respective concerns with the testing. Was DNDO upset that you spoke independently with CBP and DOE? Was there an effort to stifle your discussions with these agencies or the national labs?
15. In your testimony, you stated that, “this has not been the most transparent review we have ever worked on. We have had to fight and scrape for every piece of information we have gotten.” Please provide examples where this has occurred. What specific actions could Congress take to improve transparency at DNDO?