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March 12, 2010

The Honorable Gregory B. Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, D.C. 20555-0001

Dear Chairman Jaczko:

In light of recent reports indicating that an individual who was cleared to work in a nuclear power plant in New Jersey is now being held by the government of Yemen as a suspected member of al-Qaeda, I am writing to request information about how background checks are conducted for employees who are required to work in highly sensitive areas.

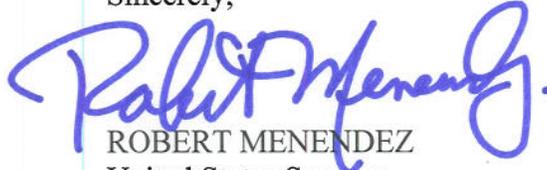
According to the Yemeni government, Sharif Mobley was among 11 al-Qaeda suspects arrested during a series of raids in Sana'a, Yemen in early March. While being treated at a local hospital, the suspect allegedly fatally shot a guard and wounded several others as he made a failed attempt to escape custody. What makes this incident particularly troubling is that the suspect had previously worked at the Salem and Hope Creek nuclear reactors in New Jersey along with other reactors in the area from 2002-2008 and had been cleared by several federal background checks, most recently in 2008.

At this point, without further information about the case, it would be irresponsible to assume at what point the man in question began to engage in terrorist activity or if the federal background screening system missed any red flags. However, the window of time between his last background check and this incident in Yemen is relatively short, which raises concerns. Thus, I would like a full briefing that covers the following questions:

- Is there any intelligence that suggests when this man became involved in terrorist activity?
- Is there any reason to believe that the federal background check system missed warning signs about this man's affiliations?
- Does there need to be a review or a revamping of the background check system?
- At any time in his employment at New Jersey nuclear reactors, could this man have handled or gained access to sensitive areas or material that would be valuable to a terrorist organization?

From national security employees to chemical plant workers, thousands of Americans are trusted everyday to do their highly sensitive jobs that have a direct effect on our security. We rely on background checks to root out those who would abuse this trust and use their position to harm our country. I want to know if the system failed in this instance and if changes need to be made. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez." The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

ROBERT MENENDEZ
United States Senator