

GREENPEACE

702 H Street, NW, Suite 300, Washington, DC 20001

Tel: 202-462-1177 • Fax: 202-462-4507

www.greenpeaceusa.org

May 10, 2004

Commissioner Jeffery Merrifield
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Commissioner Merrifield,

It has come to my attention that you were briefed on Usama Bin-Laden in January of 2000. According to your calendar, you were briefed for forty-five minutes on the morning of January 21 on "Material in Report re: Usama Bin-Laden" by Roberta Warren formerly with NRC's Nuclear Materials Safety and Safeguards now assigned to Nuclear Security and Incident Response branch.

Despite this briefing you and the other NRC Commissioners voted to down grade nuclear power plants security to an unenforceable voluntary industry program. I feel it is incumbent upon me, as a member of the public that has been excluded from NRC security discussions since September 11, 2001, to ask some very obvious questions:

1. What did the U.S. Nuclear Regulatory Commission know about the nature of the threat posed to nuclear power plants and nuclear materials by Usama Bin Laden and Al Qaeda in January of 2000?
2. Did the information you received in your briefing constitute a clear and present danger to the United States, its interests or allies?
3. The Commission has repeatedly stated that there have been no specific, credible threats made against any U.S nuclear power plant. Did your briefing on Usama Bin-Laden include the fact that Al Qaeda had evinced the desire in 1994 after the first attempts to bomb the World Trade Center, to attack a U.S. nuclear power plant?
4. Did you or the U.S. Nuclear Regulatory Commission take any additional steps to safeguard nuclear plants and stockpiles as a result of this briefing on Usama Bin-Laden?
5. Did you or any other NRC Commissioner receive follow up briefings on Bin-Laden or the terrorist threat posed to nuclear power plants and materials by Al Qaeda?
6. Was the information you received in the January 2000 briefing shared with your fellow Commissioners or other federal agencies?

7. Why did you and the other Commissioners vote to downgrade security to an unenforceable voluntary program even after being briefed on Usama Bin Laden in 2000?
8. Given the ongoing threat to nuclear power plants and nuclear materials posed by the international terrorism, including but now not limited to Al Qaeda, do you feel that the minor augmentation to NRC's design basis threat for reactors is adequate?

I eagerly await a response to our questions and concerns. Since the NRC has seen fit to excluded the public from any and all discussions concerning nuclear power plant and materials security & safeguards since the attacks of September 11, this letter is my only avenue to address these concerns.

Sincerely,

(original signed by)

James P. Riccio
Nuclear Policy Analyst

cc:
Congressman Edward J. Markey
Congressman John D. Dingell