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FINAL REPLY:

Representative Edward J. Markey

TO:

Chairman Diaz

FOR SIGNATURE OF : ** PRI **

CRC NO: 05-0041

Chairman Diaz

DESC:

ROUTING:

Upgrade Security at Nuclear Facilities

Reyes
Virgilio
Kane
Merschhoff
Norry
Dean
Burns/Cyr
Dyer, NRR

DATE: 01/26/05

ASSIGNED TO: NSIR CONTACT: Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

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OFFICE OF THE SECRETARY
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ACTION OFFICE: EDO

AUTHOR: Edward Markey
AFFILIATION: REP
ADDRESSEE: Nils Diaz
SUBJECT: Support the petition for rulemaking filed by Committee to Bridge the Gap asking the Commission to permanently upgrade security at nuclear reactors

ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 01/25/2005
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES: Commission Correspondence
FILE LOCATION: ADAMS

DATE DUE: ⁰⁹02/08/2005 **DATE SIGNED:**

EDO --G20050048

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

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House of Representatives

Washington, DC 20515-2107

January 25, 2005

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The Honorable Nils J. Diaz
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD, 20852

Dear Chairman Diaz:

I am writing in support of the petition for rulemaking filed by Committee to Bridge the Gap calling on the Commission to permanently upgrade security at nuclear reactors to reflect the terrorist threat we face.

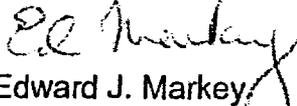
As you know, I have long been concerned that the NRC's security requirements for nuclear facilities are lacking, and I have authored amendments, which have been repeatedly approved by the House of Representatives on a bipartisan basis, which would require a permanent, public rulemaking to increase security at NRC-regulated nuclear facilities and mandate other security enhancements to reflect the increased terrorist threat our nation faces. Unfortunately, the Commission has persistently opposed this legislation, which has not become law due to controversy over other unrelated provisions in the underlying bills to which it has been attached.

I note that instead of embracing a formal rulemaking to upgrade security at our nation's nuclear facilities, the Commission instead has opted to withhold increasing amounts of information from the public about its activities, has barred access to certain of its proceedings to all but members of the nuclear industry, and, instead of requiring security to be at a level that is capable of defending against the sort of terrorist attack the country experienced on September 11, imposed by order new security requirements that I have reviewed in some detail and consider to be inadequate to address the current threat.

The petition for rulemaking filed by Committee to Bridge the Gap would require the Commission to conduct a public rulemaking to require protection of nuclear facilities against air attack and to upgrade the DBT to require protection against at least the number and capabilities of the September 11 attackers. It is remarkable that 3.5 years after the attacks of September 11, the Commission has not yet taken these steps itself.

I urge the Commission to do so now, and initiate the rulemaking requested by the Committee to Bridge the Gap.

Sincerely,


Edward J. Markey