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FROM: DUE: 02/08/07

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Senator Barbara Boxer

FINAL REPLY:

EDATS: SECY-2007-0020

TO:

Chairman Klein

FOR SIGNATURE OF :

** PRI **

CRC NO: 07-0059

Chairman Klein

DESC:

ROUTING:

Design Basis Threat Regulations - Amendment to
Rulemaking

Reyes
Virgilio
Kane
Silber
Johnson
Cyr/Burns
Dyer, NRR
Hagan, ADM
Schmidt, OCA
Taylor, OEDO

DATE: 01/30/07

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 29, 2007 14:10

PAPER NUMBER: LTR-07-0059 **LOGGING DATE:** 01/29/2007
ACTION OFFICE: EDO

AUTHOR: Barbara Boxer
AFFILIATION: CONG
ADDRESSEE: Dale Klein
SUBJECT: Rulemaking to amend the design basis threat (DBT) regulations

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

LETTER DATE: 01/26/2007.
ACKNOWLEDGED: No
SPECIAL HANDLING:

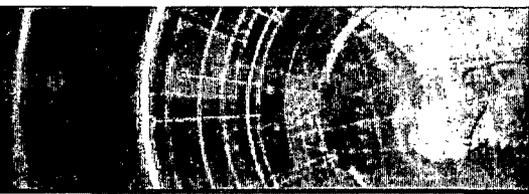
NOTES: Commission Correspondence
FILE LOCATION: ADAMS

DATE DUE: 02/12/2007 **DATE SIGNED:**

EDO --G20070067

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2007-0020

Initiating Office: SECY

General Information

Assigned To: NSIR

OEDO Due Date: 2/8/2007 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: Design Basis Threat Regulations - Amendment to Rulemaking

Description:

ADAMS Accession Numbers

Incoming:

Response:

Package:

Document Information

Originating Organization: Congress

Originator Name: Senator Barbara Boxer

Incoming Task Received: Letter

Date of Incoming Document: 1/26/2007

Document Received by OEDO Date: 1/29/2007

Date Response Requested by Originator: NONE

Addressee: Chairman Klein

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Klein

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: YES

Special Instructions:

Other Information

Cross Reference Number: G20070067,LTR-07-0059

Related Task:

File Routing: EDATS

Agency Lesson Learned: NO

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-8121

BETTINA ROOPER, MAJORITY STAFF DIRECTOR
ANDREW WHEELER, ASSISTANT STAFF DIRECTOR

January 26, 2007

The Honorable Dale Klein
Chairman
The Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Klein:

I understand the Nuclear Regulatory Commission (NRC) may shortly act to issue a final rulemaking to amend the design basis threat (DBT) regulations. As Chairman of the Senate Environment and Public Works (EPW) Committee, I write to share my views with the Commission on this matter.

In my view, the NRC must ensure that the security of nuclear plants is enhanced in a way that is consistent with post-9/11 threats. Title VI of the Energy Policy Act of 2005 includes language negotiated by the EPW Committee on a bipartisan basis. Specifically, Section 651 directs the NRC to commence a rulemaking to upgrade the design basis threat (DBT) and take into account 12 factors, including attacks of a magnitude of 9/11, attacks by large groups, and attacks by air.

Given reports that al Qaeda considered nuclear plant targets prior to carrying out the September 11, 2001 attacks on our country, it is critically important that the NRC act to address these factors. The communities that surround existing plants need to be confident that the NRC, as the regulator charged with nuclear safety, did all it could to ensure that plants defend against current security threats. In particular, communities should be assured that plants are prepared to defend against large attacking forces and commercial aircraft.

I raise these concerns because, in its proposed rule, the NRC acknowledged the direction given by Congress rather than addressing the factors in the rulemaking proposal. The Commission instead invited public comment on "whether or how the 12 factors should be addressed in the DBT rule." It is my hope that the final rule will clearly state that the NRC followed the law and address the factors outlined by Congress.

Klein, pg. 2
January 26, 2007

The Commission's statutory duty is to public health and safety. As you know, the NRC's actions on the DBT is a matter of significant interest for the EPW Committee as it conducts both its legislative and oversight responsibilities. I am following this matter very closely, and will expect the NRC to explain its final actions on the DBT when it next appears before the Committee.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Boxer". The signature is fluid and extends to the right with a long, sweeping tail.

Barbara Boxer
Chairman