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October 15, 2001

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing you regarding the decision to close down Commission's web site (<http://www.nrc.gov/>). As you know, anyone who currently attempts to access this site received the following notice:

"Our site is not operational at this time. In the aftermath of the terrorist attacks of September 11, the Nuclear Regulatory Commission has taken the action to shut down its web site. In support of our mission to protect public health and safety, we are performing a review of all material on our site. We appreciate your patience and understanding during these difficult times."

It is my understanding that the NRC's web site has been down since last Thursday. The NRC staff has informed my staff that the site was shut down following a request from a military officer who alleged that there was classified information on the site. The NRC staff further indicated that they did not know when the site will be up and running again. Please inform me of the facts and circumstances surrounding this matter. In your response, please indicate whether the NRC has been allowing classified information or confidential safeguards information to be improperly released through its web site where any potential terrorist could obtain access to such data. If so, please explain how this could have happened and how long the sensitive or classified information has been posted on the NRC web site. If no classified information or safeguard information has been improperly posted, please explain why the NRC web site has been shut down.

In addition, I am interested in knowing exactly what information the Commission decides to remove from the website during its review. I therefore request that I be provided with a comprehensive list of all materials that are removed, (or which have been removed since September 11, 2001) and an explanation of the basis for the decision to remove this material from the NRC's web site. If the Commission determines that it needs to provide such information to me in a non-public form, please contact me to arrange appropriate safeguards.

Finally, I would urge that as the Commission reviews the information on its web site, it should make every effort not to remove any information that is not properly classified or which is not properly considered sensitive safeguards-related information. Despite the difficult times we are living through, it is important to our democracy for the public and the Congress to be able

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Page 2

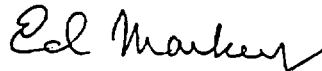
to get access to information about how the Commission carries out its important mission of regulating the safety and security of our nation's civilian nuclear facilities. The Commission's web site has been an invaluable aid to the public, the press and the Congress in this regard.

I would also note that at least some of the information that has been disseminated over the NRC's web site may also be important to the functioning of our nation's electricity markets. A Reuters story (see attachment) reports that wholesale electricity prices could be pushed upwards due to the loss of access to the NRC's daily plant status report. Uncertainty in the marketplace regarding which plants are operating raises uncertainties that could raise prices. The article also reports that keeping this information from the marketplace would give reactor owners and the local utilities they supply a big advantage over energy marketers who have no power plants in the area. At the same time, the article quotes one trader as stating, "If they find some this information would be dangerous in the hands of a terrorist, then I'm all for keeping it off the Web site." I entirely agree, and would suggest that a risk assessment of the costs and benefits of disseminating such market information is needed.

I therefore request that you inform me whether the NRC is planning to permanently remove this type of market data from its web site. If so, I request that the Commission provide its assessment of the impact of such an action on the nation's wholesale electricity marketplace and the competitive impacts of removing this type of data from the NRC web site. I also request that the Commission report on whether there may be any alternative sources where market participants could obtain the same or similar data, such as the web sites of various regional transmission organizations. In addition, please provide me with the Commission's views on whether the national security necessitates removing this data from the website notwithstanding any adverse economic or marketplace impacts. If national security requirements do not necessitate removal of this data, I would urge that it be restored as soon as possible.

Thank you for your assistance and cooperation. I request that the Commission provide a response to the questions set forth in this letter within 15 working days, or no later than close of business, November 5, 2001. Should you have any questions about this request, please contact Mr. Jeffrey S. Duncan or Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,



Edward J. Markey
Ranking Democratic Member
Subcommittee on Telecommunications
And the Internet

Attachment