

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET

SELECT COMMITTEE ON
HOMELAND SECURITY

RESOURCES COMMITTEE

2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 306-2800

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900

www.house.gov/markey

Congress of the United States
House of Representatives
Washington, DC 20515-2107

April 9, 2004

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

Dear Chairman Diaz:

I am writing to request the immediate declassification of all documents in the possession of the Nuclear Regulatory Commission related to the Three Mile Island (TMI) nuclear accident in accordance with Presidential Executive Order 13292. In addition, I ask that you provide me with a copy of all such documents.

As you know, the 25 year anniversary of the TMI accident was on March 28, 2004. On that date, you told CNN that "Three Mile Island was not really a disaster in radiological terms. There was no significant amount of radiation released, nobody was hurt." The NRC also stated in its publicity materials released for the TMI anniversary that TMI brought "about sweeping changes involving emergency response planning, reactor operator training, human factors engineering, radiation protection, and many other areas of nuclear power plant operations. It also caused the U.S. Nuclear Regulatory Commission to tighten and heighten its regulatory oversight. Resultant changes in the nuclear power industry and at the NRC had the effect of enhancing safety."

You may be aware that Presidential Executive Order 13292 Part 3, which was published on March 25, 2003, states that "Our democratic principles require that the American people be informed of the activities of their Government," that "information shall be declassified as soon as it no longer meets the standards for classification under this order," and ultimately calls for automatic declassification of documents that are more than 25 years old. The only materials that would be exempt from the automatic declassification requirements would be those that would threaten national or homeland security or those that reveal the identity of a confidential human source.

It is in the public interest to disclose all documents related to TMI; Numerous members of the communities living near TMI have been attempting to obtain these documents for years in order to ascertain additional details regarding the radiation levels they may have been exposed to. Moreover, Americans have the right to be informed of the activities of their Government

during and subsequent to the country's most serious nuclear reactor accident. If, as you stated to CNN, no significant amount of radiation was released, shouldn't interested parties be able to review the documents themselves in order to be sure? And if, as the Commission publicity materials state, the industry has undergone sweeping changes that enhanced safety and emergency response planning, there should be no national or homeland security risk in disclosing any previously classified materials regarding the cause of an accident that occurred 25 years ago.

Please provide these documents to my office by April 28, 2004. If there are specific documents that you believe should not be declassified, please provide a list of all such documents as well as the reason why the materials contained therein should remain at a classified level. Thank you very much for your consideration of this important matter. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 225-2836.

Sincerely,

A handwritten signature in cursive script that reads "Ed Markey". The signature is written in black ink and is positioned above the printed name.

Edward J. Markey