

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

DISTRICT OFFICES:

March 22, 2005

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

Dear Chairman Diaz:

I am writing regarding a March 12, 2005 article in the Washington Times indicating that as many as seven illegal aliens using false social security numbers were able to enter and work as contract painters for Progress Energy, which runs the Crystal River Energy Complex in Florida, including work near one nuclear reactor. According to this report, Commission personnel evidently stated that Progress Energy did nothing wrong because it was Brock Specialty Services, a contractor to Progress Energy, that provided the employees.

I have concerns that if this statement was made, it reflects a serious flaw in Commission regulations that are supposed to ensure that the individuals who are able to access nuclear facilities are subject to appropriate background and security checks. The 9/11 Commission Report indicated both that Al Qaeda wishes to attack nuclear facilities and that its members use stolen or falsified identity documentation to enter the country. Clearly, the possibility that terrorists could utilize the same means that the illegal aliens did in Florida to obtain access to U.S. nuclear facilities should not be dismissed. Consequently, I ask for your prompt responses to the following questions:

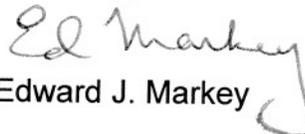
- 1) Has the Commission investigated this matter? If so, what were the results of the investigation? Please provide a complete description of all steps the Commission has taken to determine why these individuals were able to obtain access to the energy complex, whether Progress Energy and Brock Specialty Services were in compliance with NRC regulations, and if not, what penalties will be imposed on the entity/ies who may have violated NRC regulations.
- 2) If the Commission has not launched an investigation, why not? After all, there have been past instances in which the Commission investigated reports of unauthorized access to nuclear reactors (see, for example EN 00-022, when the NRC banned Ms Gail VanCleave from working in the nuclear industry for 5 years because she evidently used her dead mother's social security number to gain access to the D.C. Cook reactor).
- 3) The article states that the Progress Energy spokesperson said that the NRC requires that persons admitted to power plants have valid government-issued

identification, but that the social security numbers provided by these illegal aliens didn't raise any red flags.

- a) What forms of government identification are required to be provided for persons seeking admission to nuclear reactors? Please describe the requirements for each of the following types of individuals: i) temporary workers such as painters who would not be expected to gain access to sensitive areas of the reactor, ii) temporary workers (including engineering and other personnel involved in re-fueling a reactor) who would be expected to gain access to sensitive areas of the reactor, iii) long-term or permanent employees who are not expected to have regular access to sensitive areas of the reactor, and iv) long-term or permanent employees who are expected to have regular access to sensitive areas of the reactor.
- b) What is supposed to occur after the identification is provided for each of the categories of employee mentioned above? Does the licensee or contractor have an obligation to ensure that the social security numbers or other identifiers are run through government databases for the purposes of checking for identity fraud or other criminal or security risks the individual might pose? If so, please describe all the requirements for each category of employee. If the licensee or contractor is not required to follow up to validate the identification documentation, why not?
- c) Did Progress Energy and/or Brock Specialty Services correctly perform each step required? If not, please list all deviations from the required procedures.
- d) Given the apparent widespread commercial availability of services that may provide one with access to a person's Social Security Number (SSN), and recent reports indicating that identity thieves have been able to gain access to databases containing SSNs, does the Commission believe that a licensee's reliance on this number as the basis for authentication of a person's identity may be insufficient?

Thank you very much for your attention to this important matter. Please provide your response no later than April 15, 2005. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,


Edward J. Markey