EDO Principal Correspondence Control

FROM: DUE: 11/13/01 EDO CONTROL: G20010486
DOC DT: 10/24/01
FINAL REPLY:

Fred Giffels
HGP Inc.

TO:

Chairman Meserve

FOR SIGNATURE OF : ** GRN ** CRC NO: 01-0569

Collins, NRR

DESC:

Impact of Lack Availability of NRC Daily Status Report on Small Business

ROUTING:

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Virgilio, NMSS
Wessman, IRO
ERCT
Reiter, CIO
Landau, OEDO
Schum, OEDO
Davis, NMSS

DATE: 10/26/01

ASSIGNED TO: CONTACT:

NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with ERCT.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 26, 2001 10:05

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ACTION OFFICE:	EDO		
AUTHOR:	Fred Giffels		
AFFILIATION:	SC		
ADDRESSEE:	Richard Meserve		
SUBJECT:	IMPACT OF LACK OF AVAILABILITY OF NRC DAILY STATUS REPORT ON SMALL BUSINESS		
ACTION:	Direct Reply		
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LETTER DATE:	10/24/2001		
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FILE LOCATION:	Adams		
DATE DUE:	11/13/2001	**DATE SIGNED:**	

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October 24, 2001

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mailstop 016C1
Rockville, Maryland 20852

SUBJECT: Impact of Lack Availability of NRC Daily Status Report on Small Business

Dear Sir:

My name is Fred W. Giffels, and I am CEO for HGP, Inc., a management/technical consulting firm that supports a wide range of clients in the energy industry. We are headquartered in Greenville, South Carolina. One of my staff attended the October 18, 2001 Commission meeting with many of the NRC Stakeholders in which you discussed the progress of regulatory reform. During the meeting, you stated that you would entertain suggestions concerning the NRC's dissemination of information to balance the necessary security requirements to protect the health and safety of the public with one of the fundamental rights of U.S. citizens to access governmental information. This letter serves to put forth several suggest for your review and consideration.

First, we at HGP wish to express our horror and sadness concerning the events of the September 11, 2001, terrorist attack on the World Trade Center and Pentagon. We also pledge our support to the United States and President Bush in the fight against terrorism in this country and throughout the world. We also want to congratulate the NRC on the excellent timing and handling of security issues stemming from the September 11, 2001, attacks. As Commissioner McGaffigan stated during the October 18, 2001 meeting, the NRC was very responsive in its communication with licensees and states in providing appropriate suggestions for security measures.

Likewise, we feel it was an appropriate step for the NRC to disable its website to review information that might be a catalyst to further potential attacks directed at commercial nuclear license holders in this country. However, we at HGP believe that certain information that is still unavailable to the public should not be so classified, and in fact is contributing to some of the financial uncertainty facing the nation and is directly harming our small business.

The NRC Daily Status Report provides a snapshot at one point in the day of the operational status of each U.S. commercial reactor. HGP ***is a small business*** and we ***rely*** on the Daily Status Report to support our clients and for internal technical research and manpower planning. We have relied on it based on that fundamental right to information that is protected by the laws established by our Congress (see Freedom of Information Act) and as tax payers are entitled to utilize.

It is somewhat puzzling to us that the Daily Status Report remains withdrawn from the NRC website. Given the ongoing deregulation and sale of many commercial nuclear plants, I understand why some of the new "unregulated" owners of commercial nuclear power plants want this information withheld. Presumably, this temporary withholding of information by the NRC was to review the threat that its public dissemination would pose. However, there are several reasons, which argue that publication of the NRC Daily Status Report is not a threat to the protection of public health and safety from nuclear endangerment. As many of us know, many U.S. plants are better equipped to respond to an event when they are full power versus in some other mode (hot shutdown, cold shutdown).

Even information concerning planned refueling outages can be better obtained from other sources. The timing of operating cycles and the schedules of contract labor provide more assurance of a unit's refueling status than the Daily Status Report. Certainly the potential terrorist does not check the Daily Status Report for upcoming refueling outages since that is not even something the Daily Status Report ever offered.

Furthermore, a more sure way of finding out whether a unit is operating, especially for the potential terrorist who may want an absolute answer, is to position someone at the site or even a mile away to watch for the plume of water vapor exiting the cooling tower(s).

If deemed necessary, we suggest that the NRC develop and expeditiously implement additional security measures that could be put in place. The NRC could password protect certain parts of the website, allowing access for only those passing a qualifying background check (a check similar to that required by licensees for unescorted access to a nuclear site which many of have gone through already). In this way the NRC can monitor use of the website while allowing only cleared companies access to the information. As a side benefit, our intelligence gathering agencies could tract all authorized and any unauthorized users. We have this feature on our web site and would be glad to discuss how easy this is to implement.

Another change might be to publish the information with a day or two delay rather than withholding it entirely.

Publishing the Daily Plant Status on the NRC website will not increase risk for terrorist activity against the U.S. licensed commercial operating nuclear plants, but it is impacting the ability for small businesses like us to efficiently perform our jobs.

At the signing of the 1996 amendments to the Freedom of Information Act, President Clinton said, "this legislation not only affirms the importance, but also the challenge of maintaining openness in government." He went on to say that "our country was founded on democratic principles of openness and accountability, and for 30 years, FOIA has supported these principles."

We wish to appeal to you to recognize that this information you hold ought to be made public 1) to be in conformance with FOIA, 2) to stabilize the uncertainty it has created in the marketplace, and 3) because it provides no increased threat to the health and safety of the public.

Thank you for your consideration. Should you wish to discuss this matter with me, please do not hesitate to contact me. My telephone number is 864-370-0213.

Very truly yours,

Fred Giffels
CEO

cc: The Honorable Strom Thurmond
The Honorable Ernest Hollings
The Honorable Jim De Mint
The Honorable Governor Jim Hodges
Dan W. Salter
Randall S Hiller, Esquire
File

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P.S. We also use the NRC Web Page information to respond to our elected officials, especially Governor Hodges, when they express a concern or question.