

March 25, 2002

The Honorable Joseph I. Lieberman, Chairman
Committee on Government Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to provide the Nuclear Regulatory Commission's (NRC) response to the General Accounting Office (GAO) report entitled "Nuclear Regulation - Progress Made in Emergency Preparedness at Indian Point 2, but Additional Improvements Needed," on behalf of the NRC. This report noted that the responsibility for responding to radiological emergencies at a large percentage of this Nation's nuclear power plants rests with an entity other than the State. Therefore, the GAO recommended that the Commissioners direct NRC staff to assess the agency's position of generally communicating with State officials during non-emergency situations.

By a letter dated October 16, 2001, the Commission responded to the GAO and agreed that it was appropriate for the NRC staff to continue assessing the agency's policies for non-emergency communication with State and local officials. This activity had previously been initiated in response to findings documented in an NRC Office of the Inspector General report. We have completed this assessment and concluded that NRC communication practices provide appropriate communication with State and local officials.

In the case of Indian Point, over the past several years the NRC has had extensive interactions with local government and elected officials regarding developments at that site. The NRC has briefed local officials on important plant events and NRC actions on a continuing basis. The NRC has held eleven meetings in the local area; all were open to public observation and provided opportunities for comments and questions from the local public. Local officials or their staffs have attended all of these meetings. On a number of occasions the NRC conducted pre-meeting briefings for local officials to facilitate information exchange. The NRC also consistently provided early notifications to Congressional, state and local officials of any significant site activity or significant correspondence with the licensee.

The NRC has focused many of our outreach efforts on those local officials who have vital roles in emergency response. For example, in January 2001, the NRC had a lead role in organizing and conducting a tabletop emergency exercise to familiarize New York State, county, utility and Federal Emergency Management Agency (FEMA) emergency response officials with their integrated response roles. The NRC has supported meetings on request, such as with the Westchester and Rockland County legislatures and the Westchester School District Superintendents, to facilitate communications with local officials. These activities have provided many opportunities for local officials to interact directly with NRC representatives. The licensee has also increased their efforts to communicate with local officials on the status of the facility.

One particular meeting of note was held in White Plains, NY, on January 17, 2002, hosted by the New York Congresswomen Nita Lowey and Sue Kelly, and Congressman Benjamin Gilman. This meeting was intended to facilitate improved communications and was attended by the above representatives and staffs of Congressman Eliot Engel and Senator Hillary Clinton; three County Executives, the emergency managers from five surrounding counties, NY State Office of Security, State of NY Emergency Management Office, the licensee, FEMA, and the NRC. The county representatives reported that non-emergency communications are good and appear to be at the appropriate organizational levels. To further facilitate communications, similar meetings will continue to be held in the future as necessary, supported by NRC Regional personnel when appropriate.

As mentioned above, our assessment of NRC communication practices has concluded that existing practices are generally adequate and the level of interaction and communication needed between the NRC and local officials remains a site-specific variable. At some sites, regular interaction with NRC representatives is appropriate. However, at other sites, less frequent interaction with NRC representatives has been adequate absent unusual site activities. For example, a review of the records available for the annual assessment meetings conducted nation-wide as part of the reactor oversight process completed in early 2001, indicates that out of over 1178 invitations to State and local officials to attend these meetings, approximately 159 officials actually attended the meetings. NRC will continue to use the annual assessment meetings as one of the vehicles for outreach to the public and local officials.

As a matter of management philosophy, the NRC maintains an "open door" policy with regard to access by the public, state and local officials to the NRC's staff. The agency will continue to encourage regional offices to ensure that ample opportunity is given to members of the public or local officials who wish to contact NRC staff. To further enhance the availability of NRC staff to local officials and members of the public, the NRC has developed a revision to Inspection Manual Chapter 2515 to include guidance to regional management to consider the site specific needs for contacts with the members of the public and offsite officials and inspection resources. I want to assure you that the NRC intends to achieve the appropriate balance between these needs and available agency resources.

Please feel free to contact me if you have any questions.

Sincerely,

/RA/

Richard A. Meserve

cc: Senator Fred Thompson

Identical letter sent to:

The Honorable Joseph I. Lieberman, Chairman
Committee on Government Affairs
United States Senate
Washington, D.C. 20510
Senator Fred Thompson

The Honorable Dan Burton, Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515
cc: Representative Henry Waxman

The Honorable Harry Reid, Chairman
Subcommittee on Transportation, Infrastructure,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator James M. Inhofe

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Rick Boucher

The Honorable W. J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative John D. Dingell

The Honorable James M. Jeffords, Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Bob Smith

The Honorable David M. Walker
Comptroller General of the United States
General Accounting Office
Washington, D.C. 20548

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Identical letter to:

The Honorable Nita M. Lowey
United States House of Representatives
Washington, D.C. 20515

The Honorable Benjamin A. Gilman
United States House of Representatives
Washington, D.C. 20515

The Honorable Sue Kelly
United States House of Representatives
Washington, D.C. 20515