

October 20, 2003

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, D.C. 20006-3962

Dear Mr. Lochbaum:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to the September 15, 2003, letter, from you and a number of individuals and organizations. It is obvious that you and your colleagues have concerns with the NRC's actions on a number of issues. Clearly, there may be areas in which we can improve our practices and policies and we are constantly seeking to raise our performance to a higher level.

We are disappointed, though, that you chose this approach to express such broad dissatisfaction with the NRC. My colleagues and I have gone to extraordinary lengths in terms of our open door policy with you and others and we believe we have been very responsive to a number of your concerns over the past several years. We have also maintained a productive and ongoing dialogue with various representatives of other non-governmental organizations. Having said that, we recognize that some of the points you raise warrant attention and, in fact, we already have certain initiatives in place to enhance our public communication efforts. On other issues, we must agree to disagree.

Your letter incorrectly states that the NRC violated its own safety principles regarding Davis-Besse and that we focused on the business objectives of the nuclear industry instead of on public health and safety. This is patently untrue. The NRC staff allowed the Davis-Besse reactor to continue to operate only after knowledgeable staff and management reached agreement that there was no significant safety concern relating to nozzle cracks that would preclude the brief period of operation beyond December 31, 2001. Recall that boric acid corrosion of the reactor pressure vessel head was not recognized as a potential significant safety concern at that time. Ensuring public health and safety is our highest priority, not the financial health of the licensee. As a separate matter, a lessons-learned task force spent more than 7000 hours reviewing the processes and activities associated with the staff's review of the Davis-Besse issues, and recommended improvements, some of which have been implemented, and some of which we are addressing.

In addition, you state that we've held a series of closed-door meetings with plant owners and trade group representatives, and removed information from the public web site, effectively undermining public participation in our processes. As you know, we have always been one of the most open federal agencies in terms of the scope and volume of information we make publicly available. We are proud of the transparency of our operations, and of the progress we have made in offering the public a chance to be involved in our meetings through our recently revised public meeting policy. However, in our efforts to ensure we do our part to protect our nation from the risk of terrorism, a small fraction of that information has, for what should be obvious and prudent reasons, been restricted. Following the terrorist attacks, the number of closed meetings involving security-sensitive discussions regarding threat assessments, Orders to licensees, and other protected information increased. We must admit that the overwhelming

focus of our efforts was on strengthening the defenses of our licensed facilities. Where threats to the nation's infrastructure are concerned, open communication and public participation cannot continue without some thoughtful caution on our part. For obvious reasons, we simply cannot publicly disseminate the details of our efforts to develop defensive strategies. We will continue our efforts to develop a means for the public to participate in some limited security discussions.

As a separate matter, although we did close the local public document rooms because of resource constraints, we believe electronic access to our documents is better than ever. Web-based ADAMS has greatly eased the access process, and although in your view our web page is "virtually useless," other stakeholders both within and outside government have singled it out as one of the most factually rich and easily navigable web sites they have encountered. We continue to respond to stakeholder feedback and improve our web page.

There are a number of initiatives we are planning in the upcoming months that we believe will improve our responsiveness to the public. In addition, we are considering recommendations made by the staff as a result of the Office of Inspector General's 2002 Survey on NRC's Safety Culture and Climate. It is our hope that by institutionalizing these improvements we will both enhance the lines of communication within our own organization as well as communicate better with those outside NRC. Our goal is to sustain a working environment that fosters innovation between the NRC staff and creates an atmosphere where employees can feel free to speak about any issue. In addition, we are reinforcing to the staff the need to be more responsive to public input, questions and comments. We will be emphasizing this in training courses, in messages to the staff, and in written guidance.

The NRC has been actively engaging the public, particularly local residents, at an early stage, in order to involve them in the full spectrum of our activities. For example, we have been holding meetings in local communities before early site permit applications for nuclear plants are received to inform residents of the agency's licensing process and safety role. We have also conducted numerous meetings with a variety of stakeholders in the Yucca Mountain, Nevada, area for several years in anticipation of the upcoming application for a high-level waste repository. We will continue to host open houses, schedule training workshops for tribal governments and attend local officials' meetings on this issue.

I and my fellow Commissioners continue to be proud of our record in regulating public health and safety and of our policies of openness and public participation. Please continue to contact us with your concerns.

Sincerely,

/RA/

Nils J. Diaz

cc: State individuals/organizations that  
undersigned the September 15, 2003 letter

CC list for letter to David Lochbaum, dated October 20, 2003

**California**

Don Eichelberger  
Abalone Alliance Safe Energy Clearinghouse  
2940 16th #310  
San Francisco, CA 94103

Gary Adams  
Oceano, CA 93445

Mary J. Adams  
Paso Robles, CA 93446

Elizabeth Apfelberg  
San Luis Obispo, CA 93405

Sheila Baker  
San Luis Obispo, CA 93405

Lois Barber  
Shell Beach, CA 93449

Mary Beaumont  
Tarzana, CA 91335

Chris Becker  
Morro Bay CA 93442

Thomas J. Becker, DDS  
Santa Maria, CA 93454

Rochelle Becker  
1037 Ritchie Road  
Grover Beach, CA 93433

Tama Becker-Varano  
San Diego, CA 92422

Susan Biesek  
2829 See Canyon Road  
San Luis Obispo, CA 93405

Drew Bohan  
Santa Barbara, CA 93401

**California (continued)**

Vickie Bookless  
San Luis Obispo, CA 93405

Jackie Bradley  
San Luis Obispo, CA 93405

Bill Brandt  
Santa Margarita, CA

David Broadwater  
Atascadero, CA 93422

Doug and Lee Buckmaster  
Cambria, CA 93428

Margaret Carmen  
San Luis Obispo, CA 93401

Joan Carter  
Morro Bay, CA 93442

Catherine Chambers  
Los Osos, CA 93402

Doug and Mary Alice Chisum  
Atascadero, CA 93422

Polly Cooper  
Santa Margarita, CA 93422

Cathleen Corlett  
San Luis Obispo, CA 93401

Eugene P. Coyle, Ph.D.  
Vallejo, CA 94590-5021

Kathleen DiPeri  
San Luis Obispo, CA 93401

Dean DiSandro

Jacelyn Doherty  
Long Beach, CA 90804

**California (continued)**

Environmental Center of San Luis Obispo  
Pam Heatherington  
San Luis Obispo, CA 93401

Valerie Endres  
San Luis Obispo, CA 93405

Judith Evered  
Santa Barbara, CA 93401

Julia Fairchild  
San Luis Obispo, CA 93405

Harry Farmer  
Cambria, CA 93428

Nancy H. Ferraro  
1501 Quintana Road  
Morro Bay, CA 93442

Don Fielding  
Arroyo Grande, CA 93420

Don & Jeanie Fielding  
Grover Beach, CA 93433

Carrie Filler  
Morro Bay, CA 93442

Ray Foreman  
San Luis Obispo, CA 93405

Franklin Frank  
3615 Ardilla Road  
Atascadero, CA 93422

Fred and Pat Frank  
Atascadero, CA 93422

Judith Gier  
San Luis Obispo, CA 93401

Charles & Neva Glen  
Atascadero, CA 93422

**California (continued)**

Gail Graham  
Atascadero, CA 93422

Michael Graf  
Shell Beach, CA 93449

Nancy Graves  
Grover Beach, Ca 93433

Marilyn Greenberg  
Los Osos, CA 93402

Phillip Greenberg  
Berkeley, CA

Eric Greening  
Atascadero, CA 93422

Kenneth Haggard  
Santa Margarita, CA 93453

Edana Hall  
Templeton, CA 93465

Diane Harrison  
Atascadero, CA 93422

Susan Harvey  
Creston, CA 93452

Michael Hedgecock  
San Luis Obispo, CA 93405

Russell Hodin  
San Luis Obispo, CA 93401

Elaine Holder

Susan Howe  
Oceano, CA 93445

Evy Justesen  
San Luis Obispo, CA 93405

**California (continued)**

Frank Kahl  
San Luis Obispo, CA 93405

Laura Karaboghosian  
Grover Beach, CA 93433

Rick Keller  
Morro Bay, CA 93442

Lynne Levine  
San Luis Obispo, CA 93401

Leslie Loy  
Santa Rose, CA 95403

George and Ursula Luna  
Morro Bay, CA 93443

Sandra Marshall  
San Luis Obispo, CA 93405

Michael McCleskey  
Arroyo Grande, CA 93420

Lucian McDermott  
San Luis Obispo, CA 93405

Betty McElhill  
Pismo Beach, CA 93449

Karen Merriam  
San Luis Obispo, CA 93406

Michael Mill  
Los Osos, CA 93402

Vita Miller  
Los Osos, CA 93402

Glen Mills  
27691 Durazno  
Mission Viejo, CA 92690

Mark Mitchell  
Morro Bay, CA 93442

**California (continued)**

Kate Montgomery  
Atascadero, CA 93422

Tom and Nancy Norwood  
San Luis Obispo, CA 93405

Greg O'Kelly  
San Luis Obispo, Ca 93401

James Patterson  
Atascadero, CA 93422

Donna Petit  
San Luis Obispo, CA 93405

Morgan Rafferty  
Arroyo Grande, CA 93420

Ron Rattner, Attorney  
1998 Broadway Street, #1204  
San Francisco, CA 94109-2206

Mike Raynor  
Los Osos, CA 93402

Michael Welch  
Redwood Alliance  
P.O. Box 293  
Arcata, CA 95518

Chris Robertson  
San Luis Obispo, CA 93405

Susan Rocha  
Morro Bay, CA 93442

Victor Rocha  
Santa Margarita, CA 93422

Marilyn & Louie Rossa-Quade  
Arroyo Grande, CA 93420

Tina and Jay Salter  
Ataxcadero, CA 93422

**California (continued)**

Dan Buckmaster, Treasurer  
San Luis Obispo Coastal Alliance  
1965 Emmons Road  
Cambria, CA 93428

Klaus Schumann  
Chair of the Committee on Nuclear Waste at Diablo  
San Luis Obispo GREEN Party  
P.O. Box 13244  
San Luis Obispo, CA 93406

San Luis Obispo Mothers for Peace  
P.O. Box 164  
Pismo Beach, CA 93448

Barbara Schoenike  
Atascadero, CA 93422

Klaus Schumann and Dr. Jay Adams  
26 Hillcrest Drive  
Paso Robles, CA 93446

Barbara Scott  
San Luis Obispo, CA 93405

Linda Seeley  
Terra Foundataion  
San Luis Obispo, CA 93405

Turko Semmes  
Atascadero, CA 93422

Barbara Smith  
Atascadero, CA 93422

Brian Spark  
Morro Bay, CA 93422

Patricia Sutton, MPH  
San Francisco, CA

Kenneth Thompson  
Morro Bay, CA 93442

**California (continued)**

Rebecca Townsend  
San Luis Obispo, CA 93401

Zeke & Gina Turley  
San Luis Obispo, CA 93401

Michael Shames, Executive Director  
Utility Consumers Action Network  
San Diego, California 92103

N. Patrick Veasart  
San Luis Obispo, CA 93405

Monica Vincent  
San Luis Obispo, CA 93405

Pete & Caryl Wagner  
Morro Bay, CA 93442

Kurt Weir  
San Luis Obispo, Ca 93401

David Weisman  
Morro Bay, CA 93442

Richard & Gari Welch  
Grover Beach, CA 93433

Jacquelyn Wheeler  
San Luis Obispo, CA 93401

James & Elvita Wheeler  
Oceano, CA 93445

Betty Winholtz  
Morro Bay City Council Member  
Morro Bay, CA 93442

Laurie & Robert Wolf  
San Luis Obispo, CA 93405

Michael Wollman  
San Luis Obispo, CA 93405

**California (continued)**

Sheila Wynne  
Santa Margarita, CA 93422

Jill Zamek  
Arroyo Grande, CA 93420

**Connecticut**

Paul M. Blanch, Energy Consultant  
West Hartford, CT

Sal Mangiagli, Board Member  
Connecticut Citizens Awareness Network  
Haddam, CT

John Marrin  
P.O. Box 16  
Stevenson, CT 06491

**Delaware**

Frieda Berryhill  
26209 Grendon Drive  
Wilmington, DE 19808

**District of Columbia**

Wenonah Hauter, Director  
Critical Mass Energy and Environment Project  
Public Citizen  
215 Pennsylvania Ave SE  
Washington, DC 20003

Diane Curran, Esq.  
Harmon, Curran, Spielberg & Eisenberg LLP  
1726 M Street N.W., Suite 600  
Washington, D.C. 20036

Robert Alvarez, Senior Scholar  
Institute for Policy Studies  
Washington, DC

## **Georgia**

Adele Kushner, Executive Director  
Action for a Clean Environment  
319 Wynn Lake Circle  
Alto, GA 30510

Joanne Steele, Oconee Nuclear Project Director  
Action for a Clean Environment  
320 Sal Mtn. River Road  
Sautee-Nacoochee, GA 30571

Georgians Against Nuclear Energy (GANE)  
P.O. Box 8574  
Atlanta, GA 31106

## **Illinois**

Sandra Lindberg, Organizer  
No New Nukes (N3)  
P.O. Box 361  
Clinton, IL 61727

David Kraft, Executive Director  
Nuclear Energy Information Service

Oscar Shirani

Geoffrey D. Ower, Co-President and  
Brooke A. Barber, Co-President  
Student Environmental Action Coalition, ISU Chapter  
Illinois State University  
387 Student Services Building  
Normal, IL 61790

## **Indiana**

Christopher Williams, Executive Director  
Citizens Action Coalition of Indiana  
5420 N. College Avenue  
Indianapolis, IN 46220

## **Iowa**

Earth Care  
1922 Lincoln Avenue  
Des Moines, IA 50314

Leslie Perrigo, Executive Director  
Independent Environmental Conservation & Activism Network  
1825 W. 40th Street No. 7  
Davenport, IA 52806

## **Massachusetts**

Deb Katz, Executive Director  
Citizens Awareness Network

Gordon Thompson, Executive Director  
Institute for Resource and Security Studies  
27 Ellsworth Avenue  
Cambridge, MA 02139

## **Minnesota**

Diane McKeown  
Clean Water Action of Minnesota

John Bailey  
Institute for Local Self-Reliance  
1313 Fifth Street, SE  
Minneapolis, MN 55414

Michael Noble, Executive Director  
Minnesotans for an Energy-Efficient Economy  
<http://www.me3.org>

George Crocker, Executive Director  
North American Water Office  
P.O. Box 174  
Lake Elmo, MN 55042

**Minnesota (continued)**

Bruce A. Drew, Steering Committee  
Prairie Island Coalition  
4425 Abbott Avenue South  
Minneapolis, MN 55410-1444

**Nevada**

Kalynda Tilges, Executive Director  
Shundahai Network  
1350 E. Flamingo Box 255  
Las Vegas, NV 89119

**New Jersey**

Laura Cayford  
206 First Avenue, #5C  
Asbury Park, NJ

Norm Cohen, Director  
Coalition for Peace and Justice  
321 Barr Avenue  
Linwood, NJ 08221

William deCamp Jr.  
1229 Bay Avenue  
Mantoloking, NJ 08738

Sidney Goodman, PE, MSME  
158 Grandview Lane  
Mahwah, NJ 07430

Edith Gbur  
Jersey Shore Nuclear Watch

Carlo Popolizio  
160 Ninth Avenue  
Estell Manor, NJ 08319

Stephanie Tatham  
62 Washington Road  
Princeton, NJ 08540

**New Jersey (continued)**

Norm Cohen, Director  
UNPLUG Salem Campaign  
321 Barr Avenue  
Linwood, NJ 08221

Katherine Watt  
96 Mercer Avenue  
N. Plainfield, NJ 07060

**New York**

Connie Hogarth  
Center for Social Action  
Purchase, NY

Mary Jane Shimsky  
Citizens for Safe Energy  
Hastings-on-Hudson, NY

Michel Lee, Esq.  
Chairman  
Council on Intelligent Energy & Conservation Policy  
P.O. Box 570  
White Plains, New York 10601

Mary Cronin, Steering Committee Member  
Croton:CIP (Close Indian Point)  
P.O. Box 134  
Croton-on-Hudson, NY 10520

Manna Jo Greene, Environmental Director  
Hudson River Sloop Clearwater  
112 Market Street  
Poughkeepsie, NY 12601

Indian Point Safe Energy Coalition

Maureen Ritter  
Rockland Coalition to Close Indian Point  
& Rockland Citizens Awareness Network  
Rockland, NY

Westchester Citizens Awareness Network  
Cortlandt Manor, NY

## **North Carolina**

Jim Warren, Executive Director  
North Carolina Waste Awareness  
& Reduction Network (NC WARN)  
P.O. Box 61051  
Durham, NC 27715-1051

## **Ohio**

Chris Trepal  
Earth Day Coalition  
3606 Bridge Avenue  
Cleveland, OH 44113

Ohio Citizen Action  
614 W. Superior Avenue, #1200  
Cleveland, OH 44113

Amy Ryder  
4406 Bader Avenue  
Cleveland, OH 44109

## **Oregon**

Nina Bell, J.D., Executive Director  
Northwest Environmental Advocates  
P.O. Box 12187  
Portland, OR 97212

## **Pennsylvania**

David Hughes, Executive Director  
Citizen Power  
2121 Murray Avenue  
Pittsburgh, PA 15217

Eric Joseph Epstein, Executive Director  
EFMR Monitoring Group  
4100 Hillsdale Road  
Harrisburg, PA 17112

Judith H. Johnsrud  
State College, PA  
Scott Portzline, Security Consultant to Three Mile Island Alert  
Harrisburg, PA

**Pennsylvania (continued)**

Eric Joseph Epstein, Executive Director  
Three Mile Island Alert  
4100 Hillsdale Road  
Harrisburg, PA 17112

**Tennessee**

Ann Pickel Harris  
We The People of Tennessee

**Vermont**

Steve Bagley  
Halifax, VT

Jonathan M. Block  
Attorney at Law  
94 Main Street  
P.O. Box 566  
Putney, VT 05346

Jeanne Broom  
Brattleboro, VT

Patricia Cavanaugh  
Halifax, VT

Lisa Farino and Peter Luyckx  
The Frugal Environmentalist  
P.O. Box 1654  
Brattleboro, VT 05302

John Greenberg  
564 Butterfield Road  
Brattleboro, VT 05301

Margaret, Eric, Elida, and Arnold Gundersen  
139 Killarney Drive  
Burlington, VT 05401

**Vermont (continued)**

Judy Davidson  
Nuclear Free Vermont in 2012  
Wende Claire Mueller  
53 N. Belden Hill Dr.  
Guilford, VT 05301

April Nowicki  
Halifax, VT

Gary Sachs  
Brattleboro, VT 05302

Walter F. and Janet W. Schwarz  
850 Meadowbrook Road  
Brattleboro, VT 05301-2594

Timothy Stevenson  
Athens, Vermont

Clay Turnbull  
1799 Simpson Brook Road  
Townshend VT 05353

Derrick Jordan  
Vermont Citizens Awareness Network  
Putney, VT

Jeff Unsicker, Ph.D., Professor  
School for International Training  
Dummerston, Vermont

Ruth Unsicker, Educator  
Dummerston, Vermont