

From: Gilbert Millman
To: Ann Beranek
Date: 5/1/02 12:03PM
Subject: Fwd: Unanswered questions from the RIC panel on communication post 9/11

Ann, Please take a look at Margie's attached Question 4. I have my own suggested response, but would like to get your feelings. Let me know your thoughts. Thanks. Gil

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From: Margie Kotzalas
To: Chester Poslusny; Gilbert Millman; Janet Kotra; Mindy Landau; Ramin Assa
Date: 5/1/02 11:18AM
Subject: Unanswered questions from the RIC panel on communication post 9/11

The attached file contains my proposed answers to unanswered questions from this year's Regulatory Information Conference. Since time did not permit answering all the questions during the RIC panel on Communication Challenges after September 11, I drafted answers for posting on the external web page.

I request that you look over the questions and answers to make sure my answers are accurate and consistent with other things that we, as an agency, have been saying.

Janet and Chet, questions #1 and #5 concern Yucca Mountain and transporting waste.

Mindy and Ramin, questions #7-10 are Pat's unanswered questions.

Gil, I'm not sure how to address the comment in #4. Do you have any ideas?

I am open to your comments and suggestions for all of the questions.

Thanks,
Margie

CC: Michael Case

1. There is confusion about nuclear waste transportation to Yucca Mountain in terms of how many shipments and what the risks are. DOE says between 11,000 (mostly rail) and 53,000 (mostly truck) yet many opponents keep referring to 100,000 shipments.

The Department of Energy's final environmental impact statement bounds the number of transportation shipments at ####. DOE's analysis appears to adequately bound the range of expected environmental impacts resulting from the shipments. However, the NRC expects that further refinement of analyses will allow for more precise estimates.

2. People do not understand "person-rem" as a risk measure.

A person-REM is a standard unit that measures the effects of ionizing radiation on humans.

3. What about the impact of aircraft on spent fuel pools at commercial facilities? Is NRC doing analysis of potential releases from that scenario?

After the events of September 11, 2001, we have undertaken a top-to-bottom review of security issues and potential threats against our licensed facilities.

4. NRC should cross reference Regulatory Guides with their applicable 10 CFR part so the public doesn't have to go down the list of all Regulatory Guides to find the ones they need.

5. With respect to transportation of spent fuel and nuclear waste, how can you balance the need for information to the local governments/tribes with the need for secrecy from terrorists? This includes current and future shipments.

It is important for the public to have information about the routes used to transport spent fuel and nuclear waste; however, it is also necessary to protect this information so that it is not used by people wishing to harm the United States. One of the ways that we balance these needs is by publicly releasing schedules for spent fuel shipments 10 days after the shipment is made.

Before a shipment is made, the planned route and shipping time are considered to be safeguards information. Safeguards information is not disclosed to anyone except as allowed by regulations. The regulations do allow for disclosure of safeguards information to state and local law enforcement authorities that have a "need to know" and are responsible for responding to requests for assistance during safeguards emergencies.

6. "The NRC Staff Study at Decommissioning Plants" (January 2001) quotes an earlier NUREG to say that Mark I containments present "no substantial barrier" to aircraft penetration. Why did you not reference this to the press?

Since the events of September 11, 2001, we have re-examined our existing policies on the

dissemination of information routinely provided to the public. Release of information which provides physical vulnerabilities or weaknesses of nuclear facilities may be limited.

7. Does the panel have any issues or concerns for the utilities placing USARs and other documents on secured web sites (which require passwords, etc.) in order to share these documents with similar plants or industry groups?

Nuclear industry groups, such as INPO and EPRI, currently provide information to their members through secured web sites. We do not have concerns with the placement of non-safeguards information on these secured web sites. However, we will work with licensees to enable them to identify and mark documents that meet the criteria for sensitive homeland security information so that their information can be appropriately controlled and protected.

8. Since September 11, 2001, it is clear that what constitutes "sensitive" information has changed. Is NRC considering some form of background screening for members of the public who seek such information?

We are committed to providing all members of the public the opportunity to participate in the regulatory process. For this reason, we will provide alternate means for the release of relevant information on important subjects in a fashion that would not provide significant assistance to a terrorist, i.e., by redacting details or rewriting important documents to eliminate sensitive information.

9. What is the NRC doing to ensure its employees and contractors do not provide safeguards information to unauthorized third parties who may be NRC stakeholders (e.g., Nuclear Control Institute)?

Our employees and contractors are very serious about protecting safeguards information. The Commission has established regulations at 10 CFR 73.21(c)(1) which state that no person may have access to safeguards information unless the person has a "need to know" and is either:

- (1) an employee or contractor of an applicant, licensee, Commission, or the U.S. Government and has also underwent a FBI criminal history check,
- (2) a member of a duly authorized Congressional committee
- (3) a state governor or designated representative
- (4) a member of a state or local law enforcement authority that is responsible for responding to requests for assistance during safeguards emergencies
- (5) a representative of IAEA engaged in activities associated with the US/IAEA Safeguard Agreement

The regulations clearly state that safeguards information may not be disclosed to anyone except those persons meeting the requirements.

10. The U.S. Coast Guard is in the process of establishing security zones around nuclear power plants on coastal/lake/navigable rivers. In establishing the zones, the exact latitude and longitude information is provided in Federal Register notices such that the plant location is precisely defined and useable for potential terrorist use. What is NRC doing to resolve this with the U.S. Coast Guard? I also noted that for one site the precise location of gas line crossing was also provided.

Decisions to withhold information, such as plant locations, are guided by balancing the costs and benefits of withholding. In this case, the benefit of establishing security zones outweighs the cost of withholding information that is already widely available to the public.

Information will be withheld only if its release could provide a clear and significant benefit to an adversary in a potential attack and the information must be that which is generated by the NRC, our licensees, or our contractors. Information that is already widely available through other sources will not be withheld.