

Doc - release

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Karen:

Last Thursday I met with the representatives of several citizen/environmental groups to discuss their concerns over the NRC's efforts to determine what information should be accessible to the public in the aftermath of 9/11. Based on my responsibilities as Special Counsel for Public Liaison, I had requested the meeting to get a more coherent picture of the concerns that have been raised on this issue at various public meetings that I have facilitated, as well as email and phone calls from various groups over the last few months. I have summarized their concerns into two categories - 1) the concerns over the availability of information; and 2) concerns with NRC safeguards requirements.

Summary: F.X. Cameron meeting with Dave Lochbaum, Union of Concerned Scientists; Paul Gunter, Nuclear Information and Resource Services; Jim Riccio, GreenPeace; and Ed Lyman, Nuclear Control Institute.

Availability of information

1. The fundamental concern is that without the necessary information on a proposed NRC decision, it is extremely difficult, if not impossible, for the public and "watchdog" groups, to participate in any meaningful way in the NRC decision making process. This is not only unfair to the public, but it also deprives the NRC of potentially useful information for its decision making process. The unfairness is exacerbated by the fact that the industry normally does have the information from which the public is excluded. The NRC interim policy on information availability is also puzzling because at least some of the excluded information is publically available on ADAMS. Furthermore, there is no apparent rhyme or reason for what information is released and what is not released. There is a suspicion that some information is not available because the NRC does not want to spend the time going through the documents to determine what parts might have terrorist implications.
2. The concern also applies to the constraints that the Atomic Safety and Licensing Boards have been placing on discovery and information availability during licensing proceedings. For example, although specific Daily Event Reports (DERs) might be available, the parties often don't know which specific DER they want unless they have an opportunity to look at all the DERs from a particular facility or from other facilities with a similar design. The problem is exacerbated by the expedited schedule that a Board may impose under the Commission's hearing policy.
3. Some notable examples mentioned on the unfairness and counterproductiveness of information not being available were the unavailability of the emergency plan for a facility and the unavailability of DERs. The public in the community around a facility can't see the emergency plan and can't get clear answers from local government about such fundamental questions as where do I report to during an emergency, where do my kids go, and so on. This not only denies the public basic information that can affect their lives but also raises anxieties about the facility. The unavailability of DERs can raise the same types of anxieties. When the media in the community asks a watchdog organization for information on the safety significance of a particular event (for example,

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the "trip" at Quad Cities), the watchdog organization cannot provide any information that might put the event into the proper health and safety context because the DER on the event isn't available.

4. The representatives understand the need to re-evaluate the issue of what information should be available to the public in light of the terrorist attacks but strongly believe that the only fair and sensible course of action would be to suspend the action date for various NRC decisions during the review of the information availability policy.
5. They believe that the public has useful information to offer the NRC on the new information availability policy but the NRC has not provided any opportunities for a dialogue that might produce this information or clear up any concerns or misunderstandings. They strongly believe that any new Commission information policy should be the subject of public comment before it is finalized and that any new criteria on information availability should be publically available.
6. Any credibility that the NRC has built during the last several years by making information available to the public and by providing opportunities for public participation in the NRC regulatory process is severely threatened by the NRC's action on the availability of information issue.

Safeguards requirements

1. All of the representative stressed that their groups share the same objective as the NRC and the industry in preventing the sabotage of a nuclear facility. Furthermore, they understand that certain information on safeguards cannot be made publically available. However, they are concerned with the fact that they do not have any input to the process of establishing new safeguards requirements. It is unacceptable for the NRC to just say "trust us" and not provide any information or opportunities for discussion of safeguards issues. At a minimum, the process for involving the public in safeguards discussion should go back to the pre 9/11 process.
2. The groups would like an opportunity to bring their security concerns to the staff in confidence, i.e., a "closed" session but with industry representatives present to participate in the discussion.
3. They also believe that it would be beneficial for the public and for the NRC to establish a process for developing any new safeguards requirements that involves the participation of the representatives of all the affected interests, e.g., citizen/environmental groups, state government, other federal agencies, industry. This would not only provide useful information to the NRC but could also quell the public anxiety over the vulnerability of nuclear facilities created by doing everything behind closed doors.