

September 2, 2004

The Honorable Sandra R. Galef  
New York State Assembly  
Albany, New York 12248

Dear Ms. Galef:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 5, 2004, regarding the recent change in the NRC's policy on the availability of certain security information as initially reported by the media. I understand that Mr. Brian McDermott, from our Region I staff, has already contacted you to clarify any misunderstanding about the scope of our revised information release policy. Your letter also requested that the NRC meet with elected officials who represent the communities surrounding Indian Point.

The NRC is committed to ensuring openness in its regulatory programs and makes every attempt to make as much information as possible available to the public. At the same time, the NRC is necessarily interested in ensuring that sensitive information regarding nuclear facilities does not fall into the hands of those who wish to do us harm. After careful consideration, the Commission has decided that certain security information, formerly included within the Reactor Oversight Process results, will no longer be publicly available and will no longer be updated on our web site. The NRC will continue to inspect and assess physical security of nuclear facilities, but the detailed results will no longer be made publicly available and will be withheld as permitted under the Freedom of Information Act. However, we will continue to provide this type of information to licensees, state officials, local law enforcement agencies, and other Federal agencies that have responsibilities associated with protection of plants or responding to incidents. In addition, the staff plans to develop a publicly available report that would provide some general information about plant performance assessment in the physical protection and security area without revealing any site specific details or compromising security. Information on nuclear power plant safety will continue to be made available to the public. The NRC's public web site will continue to display performance indicators, inspection reports, and other information not related to plant security. The Commission's decision will enhance the protection of information related to the security of licensed facilities, but will not diminish NRC's commitment to openness in carrying out our public health and safety responsibilities.

In consideration of your request for a meeting with the NRC and similar requests from other local officials, the NRC has decided to hold a meeting specifically for representatives of governmental organizations from the communities surrounding Indian Point. Although the date for the meeting is still being negotiated, it will most likely be in the fourth quarter of 2004. At the meeting, NRC management and technical experts will address the important issues of security and emergency preparedness which underlie the concerns local officials are receiving from constituents. The meeting will be limited to local officials in order to facilitate an open

discussion of security and emergency preparedness issues. While the NRC believes its oversight program includes appropriate opportunities for participation by the public and local officials, this special meeting is being conducted to support local officials and their current need for additional information. Enclosed is a copy of an NRC letter to Legislator Michael Kaplowitz, of the Westchester County Board of Legislators, that further explains our plans for this meeting.

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

Sincerely,

*/RA/*

Nils J. Diaz

Enclosure: As stated

August 19, 2004

Michael B. Kaplowitz, Chairman  
Committee on Budget and Appropriations  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Dear Mr. Kaplowitz:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your June 15, 2004, letter to Chairman Diaz concerning the Indian Point Nuclear Power Plants. In your letter, you referred to the work of the Westchester County Legislature's Committee on the Environment, and expressed the Committee's desire to meet with an NRC representative to discuss Indian Point.

In consideration of your request, and interest expressed by other local officials, the NRC has decided to hold a meeting specifically for the representatives of governmental organizations from the communities surrounding Indian Point. At the meeting, NRC management and technical experts will address the important issues of security and emergency preparedness which underlie the concerns some local officials are receiving from constituents. The meeting will be limited to local officials in order to facilitate an open discussion of security and emergency preparedness issues. While the NRC believes its oversight program includes appropriate opportunities for participation by the public and local officials, this special meeting is being conducted to support local officials and their current need for additional information. The NRC staff will conduct this meeting at a central location in Westchester County and they will work with you to establish a mutually agreeable date, preferably in the fourth quarter of 2004.

The NRC is committed to responding to stakeholder interest in the performance and safety of the facilities we regulate, including Indian Point. The NRC has long recognized the importance and value of open communication and stakeholder involvement as a cornerstone of strong, fair regulation of the nuclear industry. As a result, the agency has sought, with the assistance of members of the public and other stakeholders, to ensure proper consideration of new issues that are brought to NRC's attention. The NRC staff routinely conducts public meetings in Westchester County, New York, to provide factual information about the regulatory process and the results of NRC performance assessments, and to give members of the community and local officials the opportunity to offer constructive comments.

The NRC's Annual Assessment Meetings are the primary opportunities for members of the public and local officials to meet with the NRC staff in the host communities. While these meetings cover the NRC's oversight process and results of the annual assessment, additional topics are added to the meeting agenda based on requests from stakeholders. For example, at the April 28, 2004, Annual Assessment Meeting for Indian Point, the NRC staff provided

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information about topics of local interest such as: security and emergency preparedness enhancements since September 11, 2001; electrical cable separation questions being covered by local media outlets; and NRC oversight of Independent Spent Fuel Storage Installations (ISFSI). The meeting lasted more than five hours, and the majority of this time was dedicated to answering questions and taking comments from members of the public. While the NRC endeavors to be responsive regarding issues of local interest in this forum, some issues are complex and necessitate additional meetings with stakeholders.

In addition to the Annual Assessment meetings, the NRC holds informational meetings, as necessary, based on the plant's performance or when a new or otherwise significant activity at the site requires regulatory attention. The July 15, 2004, public meeting on the proposed ISFSI for Indian Point is an example of this type of meeting. NRC subject matter experts on the design, licensing, operation, and security of ISFSIs held an informational meeting for members of the public and local officials, and spent several hours answering detailed questions regarding this type of storage for nuclear fuel. This type of meeting has proven to be an effective method for conveying important information to the public about new or different activities at nuclear power plants. As you are aware, the NRC staff has also been responsive to emerging issues brought up in writing from you and other elected officials, as well as concerned citizens. Notwithstanding these previous opportunities for stakeholder involvement, the NRC recognizes the level of public interest in Indian Point at this time and the associated need for local officials to be well informed.

The NRC endeavors to provide opportunities for stakeholder involvement and give fair consideration of all issues brought to our attention. We believe our plan to hold a meeting for local officials is responsive to your request and that our approach will facilitate the involvement of other officials in the community surrounding Indian Point.

Thank you for your interest in the safety and security of nuclear power.

Sincerely,

***/RA/***

Ellis W. Merschoff  
Deputy Executive Director for Reactor Programs  
Office of the Executive Director for Operations

cc: Honorable Hillary Rodham Clinton, United States Senate  
Honorable Charles E. Schumer, United States Senate  
Honorable Nita M. Lowey, United States Congress  
Honorable Eliot L. Engel, United States Congress  
Honorable Sue W. Kelly, United States Congress