

Public Citizen

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

August 18, 2004

Steven R. Stein
Room 4 F22, Mail Stop 4 D8
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ronald K. Frahm, Jr.
Room 7 C7, Mail Stop 7 A15
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Stein and Mr. Frahm:

As you know, your agency announced on August 4 of this year its determination "that certain security information formerly included in the Reactor Oversight Process will no longer be publicly available, and will no longer be updated on the agency's website."¹ This decision took many people by surprise, especially since such information has previously been reviewed at least twice—both before and in the immediate aftermath of September 11, 2001—in the context of its usefulness in the hands of terrorists.² In both cases it was apparently determined that the type of information being released was safe for public dissemination and posed no security threat.

As a public interest organization representing almost 160,000 members nation-wide, we have a 30-year history of not only fighting for adequate nuclear plant safety and security measures, but for principles of open government and citizen empowerment in general. Pursuant to our mission, and while recognizing the need to balance security with openness, we have concerns that the recent policy change could significantly impair the ability of the public to provide crucial oversight of nuclear security matters without appreciably improving plant security. Hence, Public Citizen asks six questions to which we respectfully request answers:

1. What act(s) or information prompted a review of the Reactor Oversight Process that led to this determination?

¹ Press Release, U.S. Nuclear Regulatory Commission; August 4, 2004; <http://www.nrc.gov/reading-rm/doc-collections/news/2004/04-091.html>.

² "Recommendations for Reactor Oversight Process Improvements," U.S. Nuclear Regulatory Commission; <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/1999/secy1999-007/1999-007asecy.pdf>; Attachment 1, p. 4, response J; Public Citizen commented on the changes at the time: Much discussion during this process focused on the usefulness of such information to enemies of the United States. Also, on October 17, 2001, NRC shut down its website to review all information in light of the September 11 attacks, and subsequently reposted physical protection data.

AS 02 NS1R02
Add:
STEVEN STEIN
RONALD FRAHM

2. What authority does NRC have to unilaterally determine what information does and does not pose a security threat and what is therefore suitable for public release? Are such decisions subject to appeal?
3. What oversight mechanisms exist for reviewing NRC's security-related information decisions? Have they been followed?
4. Has the information no longer available been classified? If not, what designation has it been given that prevents its public release? Who made that determination?
5. What specifically are NRC's plans to keep the public informed on the status of security at nuclear power plants?
6. Please clarify: when you state that certain security information will no longer be updated on the agency's website, does this mean previously posted material will remain available or that affected information will be removed? Is information that may have been removed still considered publicly available or has it been retroactively classified or otherwise designated not suitable for public dissemination?

Your timely response to these questions, as well as any other information that may shed more light on the recent decision, would be much appreciated. If you have any questions, please contact Brendan Hoffman of my staff at (202) 454-5130 or bhoffman@citizen.org.

Sincerely,



Wenonah Hauter
Director, Critical Mass Energy and Environment Program

CC: Andrew H. Card, Jr.
Assistant to the President and Chief of Staff
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500
Fax: (202) 456-2461

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001
Fax: (202) 307-6777

Matthew W. Stephan
Policy Analyst, Liaison to U.S. NRC
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Avenue NW, Room 500
Washington, DC 20408
Fax: (202) 219-5385

The Honorable Edward Markey
2108 RHOB
U.S. House of Representatives
Washington, DC 20515
Fax: (202) 226-0092