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FROM: DUE: 11/20/06 EDO CONTROL: G20060914
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FINAL REPLY:

Edwin S. Lyman
Union of Concerned Scientists

TO:

Chairman Klein

FOR SIGNATURE OF : ** PRI ** CRC NO: 06-0569

Chairman Klein

DESC:

State-of-the-Art Reactor Consequence Assessment (SOAR-CA) Project

ROUTING:

Reyes
Virgilio
Kane
Silber
Johnson
Cyr/Burns

DATE: 11/07/06

ASSIGNED TO: CONTACT:

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SPECIAL INSTRUCTIONS OR REMARKS:

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PAPER NUMBER:	LTR-06-0569	**LOGGING DATE:**	11/07/2006
ACTION OFFICE:	EDO		

AUTHOR:	Edwin Lyman
AFFILIATION:	UCS
ADDRESSEE:	Dale Klein
SUBJECT:	Concerns the availability of SECY-05-0233 and the corresponding SRM
ACTION:	Signature of Chairman
DISTRIBUTION:	RF, SECY to Ack "Commission Correspondence"
LETTER DATE:	11/03/2006
ACKNOWLEDGED	No
SPECIAL HANDLING:	Made publicly available in ADAMS via EDO/DPC
NOTES:	Commission voted 4 to 1 to withhold from public disclosure based on staff recommendations
FILE LOCATION:	ADAMS

DATE DUE:	11/22/2006	**DATE SIGNED:**	

Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

November 3, 2006

The Honorable Dale Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Klein:

On behalf of the Union of Concerned Scientists (UCS), I am writing in reference to the "State-of-the-Art Reactor Consequence Assessment" (SOAR-CA) project, being undertaken by the Office of Research (RES).

It has come to our attention that the staff paper (SECY) to the Commission originally seeking approval for this project, SECY-05-0233, as well as the corresponding Staff Requirements Memorandum (SRM), are being withheld from the public because the NRC considers them "sensitive information."

This decision is bizarre in light of the fact that the SOAR-CA project itself is apparently going to be conducted with full public oversight and involvement, as program staff made clear at the public meetings on September 8, 2006 and October 25, 2006. It is difficult to comprehend how the details of the project itself (ultimately including the results) can be made public, yet the Commission's instructions to the staff on the project's guidelines are being kept secret. It appears that the Commission has imposed significant constraints on the project, but does not wish to make those limits known to the public. Given that NRC staff and at least one Commissioner have repeatedly asserted that the consequence results of the 1982 Sandia National Laboratories "Calculation of Reactor Accident Consequences ("CRAC2") study are unrealistically severe, one can justifiably be concerned that the NRC has a predetermined outcome for the SOAR-CA project. Surely the Commission does not want to give the appearance that it has skewed the study so that it will support this predetermined outcome. This will badly damage the credibility of SOAR-CA project and render it useless as a means of increasing public confidence in nuclear power and the NRC's scientific integrity.

If the Commission truly wants to convey to the public the most accurate assessment of the potential consequences of severe accidents at nuclear reactors, all the assumptions underlying the

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assessment, and the justifications supporting them, should be clearly presented. To withhold such vital information as "sensitive" is the worst kind of abuse of the vague and often arbitrary guidelines on public information that the Commission has applied since the 9/11 attacks. We note that Commissioner Jaczko stated on his February 2006 vote response sheet on SECY-05-0233 that "the staff should make SECY-05-0233 publicly available." This indicates that the claim that this document is too sensitive for public release is subject to dispute.

On behalf of UCS, I would urge you to release SECY-05-0233 and the associated SRM in their entirety. At the very least, we would expect you to be in a position to release redacted versions, with the reason for each redaction clearly explained.

My colleagues and I would appreciate the opportunity to meet with you and your staff to discuss this matter. We look forward to your favorable response to our request.

Sincerely,

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