



# Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

RULES AND DIRECTIVES  
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RECEIVED

September 12, 2008

Michael T. Lesar, Chief  
Rulemaking, Directives and Editing Branch  
Office of Administration (Mail Stop: T6-D59)  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

7/29/08  
73 FR 43960  
8

**Re: ADDITIONAL COMMENTS ON NRC-2008-0413, POSSIBLE IMPROVEMENTS TO THE LEVEL OF OPENNESS AND TRANSPARENCY OF INFORMATION ASSOCIATED WITH NRC SECURITY INSPECTION AND SECURITY ASSESSMENT OF NRC LICENSEES**

Dear Mr. Lesar:

On behalf of the Union of Concerned Scientists (UCS), I submit additional comments in response to the July 22, 2008, *Federal Register* notice.

Sincerely,

David Lochbaum  
Director, Nuclear Safety Project

Attachment:

- 1) Screen capture of ADAMS info for ML072970126

Washington Office: 1825 K Street NW Suite 800 • Washington DC 20006-1232 • 202-223-6133 • FAX: 202-223-6162  
Cambridge Headquarters: Two Brattle Square • Cambridge MA 02238-9105 • 617-547-5552 • FAX: 617-864-9405  
California Office: 2397 Shattuck Avenue Suite 203 • Berkeley CA 94704-1567 • 510-843-1872 • FAX: 510-843-3785

SUNSI Review Complete  
Template = ADM-013

ERDS = ADM-03  
Add = P. Harris (Pwh1)

**ADDITIONAL UCS COMMENT ON POSSIBLE IMPROVEMENTS TO THE  
LEVEL OF OPENNESS AND TRANSPARENCY OF INFORMATION  
ASSOCIATED WITH NRC SECURITY INSPECTION AND ASSESSMENT**

By letter dated October 17, 2007, the licensee for the Three Mile Island nuclear plant sought permission from the NRC to relocate the Joint Information Center from Harrisburg to Coatesville, PA. The NRC placed this document into ADAMS, its online electronic library, as ML072970126. But the NRC classified this document as non-public pending agency review of its contents for possible sensitive, unclassified security information (SUNSI). As indicated in the attached screen capture of the ADAMS properties for this document, the SUNSI review was not completed until September 10, 2008, and the document was not made publicly available until September 11, 2008 (irony fully noted and not appreciated).

**THIS IS TOTALLY UNACCEPTABLE.**

The licensee requested NRC approval of the relocation in October 2008. The NRC staff sat on this document like it was a suppository for nearly 11 months – withholding it from the public and preventing public review of its request. Now, with scant days left in the process, the NRC belatedly makes the document publicly available. This cheap ploy prevents meaningful public participation in the NRC's decision-making process.

UCS has no beef with the NRC's want to review incoming information for potential security information. But if the NRC cannot put sufficient resources to the review effort to enable it to be completed in a reasonable time (11 months for a 12-month licensing action request is by any measure, unreasonable), then the NRC must equalize the resulting burden. Right now, the public pays the full price for the NRC's ineptitude – the public cannot meaningfully engage on issues it knows nothing about. The NRC could distribute that unfairness more equitably. For example, in this TMI joint information center relocation case, the NRC's time-clock for responding to the request (12 months per licensee's request) could start **AT THE TIME THE SUNSI REVIEW IS COMPLETED**. Thus, instead of NRC providing its final answer in October 2008, 12 months from the request, the NRC provides its final answer in September 2009, 12 months from when the NRC finally made the letter publicly available. The licensee would then get to share the pain the public feels from NRC's ineptitude.

It's not clear why any one would suspect that a letter on relocating a media outlet would contain SUNSI. It's even less clear why it would take the NRC 11 months to figure out the letter was SUNSI-less. But if the NRC is going to continue plodding along taking long, long times to figure out the patently obvious, it must do something to stop putting the entire burden of its antics on the shoulders of an even longer suffering public.

September 12, 2008

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**NOTES: At the logon prompt, type "guest" for User name; leave Password and Group blank.**  
 To resize the ADAMS window below, change the size of your browser window and press the refresh/reload button.

**ADAMS Document Manager**

View Tools Help

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