

Summary of Public Comments
from
Four Public Meetings

The Office of Nuclear Security and Incident Response (NSIR), Division of Security Operations (DSO), conducted three Category 3 public meetings to solicit public comment on options to enhance the level of openness and transparency associated with NRC security inspection information. These meetings were: July 30, 2008, in Holly Springs, NC, Holly Springs Culture Center (ML082060208); August 6, 2008, Morris, IL, Grundy County Administration Center (ML0820600621); and September 4, 2008, Rockville, MD, NRC Headquarters (ML0822807750). The NSIR/DSO staff also coordinated with the Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards, in the conduct of a fourth Category 3 public meeting on August 27, 2008, in Lynchburg, VA, Lynchburg City Hall (ML0820406210).

The following is a summary of the public comments received at the four meetings. The comments were combined into four areas: Public's Ability to be Involved; NRC's Communication Effectiveness; Security Openness and Transparency; and, Security Regulations. Following each comment is a short description of the staff's initial evaluation of the particular comment. The staff's final evaluation will be represented in its paper to the Commission communicating proposed options whether to enhance security openness and transparency.

Public Comments on Public's Ability to be Involved

- The public noted that citizen advisory boards can be an effective tool in communicating NRC licensee security performance to the public.

This comment is part of the staff's proposed paper to the Commission.

- The public stated that with the current level of security openness, they are unable to be effectively and meaningfully involved in the regulatory process for the security cornerstone of the Reactor Oversight Process (ROP).

The staff acknowledged this comment and noted that the goal of the NRC Security Openness initiative is to assess the level of openness and transparency associated with security Inspections and licensor performance information to enhance public participation in the regulatory process.

Public Comments on NRC's Communication Effectiveness

- The public stated that they had sent emails and letters to the NRC staff questioning the security and safeguards at NRC-licensed facilities, however, the staff did not respond. The public stated that this was an example of NRC's unwillingness to be open or to be engaged with the public.

The NRC staff was unfamiliar with the public's particular examples, asked for additional information, and no staff actions resulted.

- The public provided two particular examples where they wished that they had more information: (1) why elevated spent fuel pools are safe from terrorist attacks and (2) why power plants are safe from aircraft impacts. The public also questioned why the NRC's evaluations of these accidents are not publicly available, noting that such communication would build public confidence in NRC's regulatory oversight.

The staff explained that the impacts of certain accident studies are withheld from the public, in part, because such information could improve the success rate of a terrorist attack at a site. The staff notes that the NRC's external website provides information on aircraft impacts at <http://www.nrc.gov/reading-rm/doc-collections/fact-sheets/> under subtitles "Security Spotlight," "Storage of Spent Nuclear Fuel," and "Reducing Hazards from Stored Spent Nuclear Fuel."

- The public stated that they were concerned that, based on NRC's past history, that even though NRC obtains public comment, the NRC will do what its wants to do anyways.

The staff informed the public that all public comments will be assessed and used to inform the staff's recommendations and options to the Commission as to whether to enhance security openness and transparency.

- The public stated that they were not provided enough time or notice of the public meeting in Morris, Illinois.

The staff acknowledged this comment and asked for ways to improve its ability to notify the public of NRC public meetings in the vicinity of nuclear power plants. The public stated that the NRC should advertise in community papers instead of the larger newspapers, like the staff did. The public stated that although the total distribution might be smaller it would focus more on the persons living in the immediate vicinity of the power plant, and this might increase awareness.

- The public questioned the staff's methodology in selecting the sites for its four public meetings.

The staff informed the public that it assessed four criteria in the selection of locations for the four public meetings: proximity to large population areas and diversity of views; proximity of other or proposed NRC licensees; location within NRC regions; and type of NRC licensee (e.g., commercial nuclear power plant or fuel cycle facility).

- The public questioned what will the staff do with the comments received from its four public meetings and *Federal Register* notice.

The staff informed the public that all public comments will be assessed and used to inform the staff's recommendations and options to the Commission as to whether to enhance security openness and transparency.

- The public questioned whether they would be able to comment again, after the Commission reviews the staff's proposed options to enhance security openness and transparency

The staff informed the public that it intends to maintain its Security Openness and Transparency website, located at <http://www.nrc.gov/public-involve/doc-comment/security-openness.html>, to facilitate future public comment. The staff would not speculate how long this website would be maintained.

- The public questioned whether they would have a chance to see or comment on the staff's proposed options to enhance openness and transparency before the Commission reviews the staff comments.

The staff stated that its assessment and processing of public comments will be no different than that undertaken for other staff actions informed by public comment. Therefore, the public would not have an opportunity to comment on the staff's draft paper prior to its submittal to the Commission.

- The public stated that they did not know whether commercial nuclear power plants are safe if a "747" is flown into the plant and that the NRC had not communicated its findings and conclusions well.

The staff explained that the impacts of certain accident studies are withheld from the public, in part, because such information could improve the success rate of a terrorist attack at a site. The staff notes that the NRC's external website provides information on aircraft impacts at <http://www.nrc.gov/reading-rm/doc-collections/fact-sheets/> under the sub-titles "Security Spotlight" and "Safety and Security Improvements at Nuclear Plants."

- The public voiced concern regarding an apparent increase in cancer rates in the vicinity of the Braidwood nuclear power plant and that the NRC had not communicated its findings and conclusions well.

The NRC staff was unfamiliar with this particular issue and had no comment.

- The public voiced concern regarding tritium in the ground water supply as a result of the Dresden nuclear power plant and that the NRC had not communicated its findings and conclusions well.

The NRC staff was unfamiliar with this particular issue and had no comment.

- The public stated that "everyone in the neighborhood" along the Kankakee River has cancer and that they think there is some sort of big problem at the Braidwood and Dresden nuclear power plants.

The NRC staff was unfamiliar with this particular issue and had no comment.

Public Comments on Security Openness and Transparency

- The public stated that they did not desire more information, they desired better information. The primary examples were the public's desire to have better information about a particular licensee's performance during Force-on-Force (FOF) exercises and

other security inspections so that they could make a timely and informed decision about licensee security performance. The public stated that knowing of a security finding, without knowing something about it (like its significance or in what area the violation occurred) does them no good.

This comment is part of the staff's proposed paper to the Commission.

- The public stated that all they hear about is "bad licensee security performance" and this occurs only when the information has been "leaked out" or it was on the nightly news.

This comment is part of the staff's reasons why it's assessing possible enhancements to security openness and transparency.

- The public questioned if there was a yellow or red finding at a site, and that the particular issue immediately impacted the public in the vicinity of the site, would the NRC then release such information to the public.

This comment is part of the staff's proposed paper to the Commission.

- The public questioned whether information regarding lost or stolen radioactive material is released to the public.

This comment is part of the staff's proposed paper to the Commission.

- The public questioned why security violations are not made publicly available like safety violations.

This comment is part of the staff's proposed paper to the Commission.

- The public stated that they are concerned that power reactors are vulnerable to terrorist attacks and that the NRC should get rid of minor fines and color codes, and essentially treat licensees "like children."

The staff had no response to this comment.

- The public stated that the NRC already balances openness with the need to inform the public and that the NRC does a good job with informing State elected officials about licensee performance.

This comment is part of the staff's proposed paper to the Commission.

- The public was concerned that NRC was not consistent in either releasing security-related information or requiring licensee responses to NRC requests for information either publicly available or withheld from public disclosure. Public provided the example that in response to a publicly available request for information from the NRC, some licensee's designated their responses safeguards Information, while others made their information publicly available.

This comment is part of the staff's proposed paper to the Commission.

- The public stated that they support NRC efforts to enhance the openness and transparency of their security inspection and licensee performance assessment programs.

The staff had no response to this comment.

- The public provided verbal examples of site-specific, publicly available, security performance information that is archived on the NRC's public website, but is now controlled as security-related information and withheld from public disclosure. The Staff notes that the examples provided were historical summaries of inspection findings, performance indicator data, and the Action Matrix column in which a particular licensee resided.

This comment is part of the staff's proposed paper to the Commission.

Public Comments on Security Regulations

- The public questioned the NRC's regulatory oversight of security forces employed at commercial nuclear power plants during the particular case when a licensee elects to change the company providing its security services. The public cited a particular recent security organization change at a site owned/operated by Exelon, Inc., and questioned whether the staff conducts more site inspection in such circumstances and whether the regulations are different for the new security company.

The staff discussed its regulatory oversight of licensee security activities and noted that in such cases the NRC has implemented supplemental inspections to provide reasonable assurance that site security and safeguards remains at an acceptable performance level.

- The public questioned whether spent nuclear fuel needed to be stored in "hardened sites," for new or existing spent fuel storage locations.

The staff noted that this question was outside the scope of the NRC's security openness initiative and that the staff was unaware of any rulemaking in this area.

- The public questioned the existence of a "Blackhawk" helicopter at the Braidwood nuclear power plants and whether this helicopter was required by NRC security regulations.

The staff noted that this question was outside the scope of the NRC's security openness initiative and had no comment.

- The public questioned whether public information on GOOGLE Earth represents a security vulnerability.

The staff noted that the NRC has evaluated this type of public and widely available general information and has identified no security or safeguards concerns.

- The public stated that they “welcomed nuclear power to our community as a strong source of jobs and revenue... but these plants need to take into account the environment, human health, and security.”

The staff had no response to this comment.