

November 27, 2013

The Honorable Barbara Boxer
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

I write on behalf of the Nuclear Regulatory Commission out of concern for the views you expressed in your opening statement at last week's Environment and Public Works Committee hearing and in your November 21 and 26, 2013 letters. I also request an opportunity for a Commissioner colleague and me to meet with you in the near future to discuss these matters.

We are in complete agreement that Congress has broad authority to oversee the work of our agency and must be fully and currently informed. I assure you that we have every intention of following our well-established and long held commitment to information sharing and transparency and honoring the important oversight role carried out by Congress and its oversight committees.

Our agency has a proud tradition of close and transparent communication with our oversight committees and with individual members of Congress, particularly those members whose states or districts host nuclear facilities we regulate. Our commitment to keep Congress fully and currently informed is driven by our obligation under law, our agency values, and the importance we place on being a trusted regulator.

We are therefore deeply concerned with any impression that we will not be fully forthcoming in providing information to Congress. The driver for the change to our Internal Commission Procedures is the concern that providing information directly to individual members of Congress could constitute a waiver of the agency's right to withhold sensitive information under the Freedom of Information Act (FOIA). This could include security-related information, and pre-decisional and other information protected by privilege under applicable law.

Our revised procedures do not in any way restrict our responses to requests for sensitive documents made by the chairs and ranking members of our Congressional oversight committees. We will continue our practice of providing prompt comprehensive briefings, updates, and publicly available information to individual members of Congress. Further, we have made no changes to the long-standing practice of being responsive to a member of Congress' needs if there is an event or accident in her or his state or district. Finally, we understand that these changes are broadly consistent with the practices of other federal agencies and Department of Justice guidance.

As I noted earlier, I would like an opportunity for a Commissioner colleague and me to meet with you in the near future to discuss these matters and ensure an effective working relationship on behalf of our shared goal of protecting the public's safety and security.

Sincerely,

/RA/

Allison M. Macfarlane