



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 13, 2001

CHAIRMAN

Mr. Hugh Jackson, Policy Analyst
Public Citizen's Critical Mass Energy
and Environment Program
215 Pennsylvania Avenue SE
Washington, D.C. 20003

Dear Mr. Jackson:

The Commission has received your letter of concern dated October 17, 2001, regarding the temporary shutdown of the Nuclear Regulatory Commission (NRC) website for the purpose of performing a review of all the material on it. Our action in initiating a review of our website is one undertaken by many government agencies as part of an ongoing effort to thwart the information-gathering activities of terrorists. In any event, as you have likely seen, the operation of the NRC website was restored within approximately one week, on October 18. It currently makes available many categories of documents that were formerly available, including material pertinent to ongoing rulemaking proceedings.

As of this writing, the website includes information on the NRC's mission and governing legislation; how to contact NRC, the agency telephone directory; news releases; NRC regulations published in 10 CFR; current rulemakings; access to the agency document management system (ADAMS) containing more than 125,000 publicly available documents; information about NRC's Public Document Room; FOIA information; contracting opportunities; opportunities for employment, information on how to report a safety concern, the Inspector General's hotline; and materials on the Regulatory Information Conference.

Our review of the remaining materials is going forward in a deliberate and systematic manner. We will continue to restore documents promptly as their review is completed and it is deemed appropriate to do so.

At all levels the government is continuing to do its business notwithstanding hardship or inconvenience. For NRC activities, the Commission will remain sensitive to the need for information on the part of its participants. *Cf. Consolidated Edison Co. of N. Y. (Indian Point 1 & 2)*, CLI-01-08, 53 NRC 225 (2001). While there is no cause for an across the board lengthening of schedules consideration will be given, as necessary, to the existence of special circumstances where the unavailability on the website of specified documents has actually and reasonably prevented parties to adjudication or rulemaking participants from fully or partially meeting established deadlines.

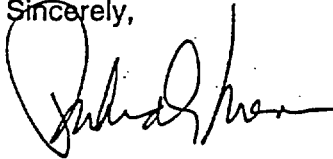
With respect to your concerns regarding the security at nuclear facilities, in light of the events of September 11, the NRC is conducting a comprehensive review of its safeguards and physical security program, even though we believe that the nuclear power plants and fuel cycle facilities that fall under NRC jurisdiction are among the best protected industrial sites in America. This review involves U.S. national security organizations. We currently are interacting with the FBI, other federal law enforcement and intelligence organizations, the

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military, and the newly established Office of Homeland Security so that any necessary changes to our programs will be based on pertinent information from all relevant federal agencies. We believe it is essential that agencies coordinate their requirements.

In closing, I would like to emphasize that the NRC continues to fulfill its obligations to ensure adequate protection of the public health and safety from acts of sabotage, theft, or diversion directed at the Nation's civilian nuclear facilities and materials. We believe that we had an excellent security and physical protection program in place prior to September 11, and we are prepared to build on that solid foundation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Meserve', written over a large, stylized circular mark.

Richard A. Meserve



Buyers Up • Congress Watch • Critical Mass • Health Research Group • Litigation Group

Joan Claybrook, President

October 17, 2001

Chairman Richard Meserve
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Meserve,

Public Citizen strenuously objects to the suspension of the Nuclear Regulatory Commission's (NRC) website, and urges your immediate action to restore Internet access to public documents.

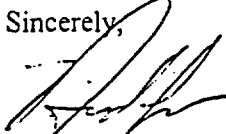
While federal agencies are prudent to review sensitive information they post online, security concerns cannot justify NRC's decision to indiscriminately block access to its entire website. We are unaware of any materials previously available through the NRC's website that could legitimately be considered a security threat. Indeed, this move seems designed to protect the nuclear industry from public scrutiny without any obvious benefit in terms of national security.

We urge you to reinstate full access to the NRC website immediately. In addition, we request that all scheduled rulemakings and public meetings be postponed and comment periods extended. Notice of these meetings and processes was not readily available from October 11 through October 16, giving the impression that the NRC had suspended public processes. Moreover, the continued inaccessibility of NRC documents formerly available online means that stakeholders lack convenient access to key information related to the regulatory processes currently underway. The possibility of meaningful public participation hinges on the availability of this information.

Public Citizen recognizes the safety and security risks posed by commercial nuclear facilities. To more appropriately and effectively respond to these concerns without compromising public participation in regulatory processes, the NRC should, as a start, upgrade security requirements for nuclear facilities (the Design Basis Threat Regulations), reverse the irresponsible decision to phase out NRC supervision of mock-terrorist attack exercises (the Operational Safeguards Response Evaluation), and more stringently enforce performance standards associated with these exercises. Industry proposals for a "new generation" of nuclear reactors and off-site Independent Spent Fuel Installations should be rejected, as these facilities would increase the number of nuclear targets and thus the overall security risk.

Thank you for your attention to these matters.

Sincerely,


Hugh Jackson
Policy Analyst,

Public Citizen's Critical Mass Energy & Environment Program

10/19...To OGC to Prepare Response for Chairman's Signature...
Date due Comm: Nov 2...Cpy to: RF, SECY to Ack...01-0553
Commission Correspondence

Ralph Nader, Founder