

October 20, 2003

Mr. David Lochbaum
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Dear Mr. Lochbaum:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to the September 15, 2003, letter, from you and a number of individuals and organizations. It is obvious that you and your colleagues have concerns with the NRC's actions on a number of issues. Clearly, there may be areas in which we can improve our practices and policies and we are constantly seeking to raise our performance to a higher level.

We are disappointed, though, that you chose this approach to express such broad dissatisfaction with the NRC. My colleagues and I have gone to extraordinary lengths in terms of our open door policy with you and others and we believe we have been very responsive to a number of your concerns over the past several years. We have also maintained a productive and ongoing dialogue with various representatives of other non-governmental organizations. Having said that, we recognize that some of the points you raise warrant attention and, in fact, we already have certain initiatives in place to enhance our public communication efforts. On other issues, we must agree to disagree.

Your letter incorrectly states that the NRC violated its own safety principles regarding Davis-Besse and that we focused on the business objectives of the nuclear industry instead of on public health and safety. This is patently untrue. The NRC staff allowed the Davis-Besse reactor to continue to operate only after knowledgeable staff and management reached agreement that there was no significant safety concern relating to nozzle cracks that would preclude the brief period of operation beyond December 31, 2001. Recall that boric acid corrosion of the reactor pressure vessel head was not recognized as a potential significant safety concern at that time. Ensuring public health and safety is our highest priority, not the financial health of the licensee. As a separate matter, a lessons-learned task force spent more than 7000 hours reviewing the processes and activities associated with the staff's review of the Davis-Besse issues, and recommended improvements, some of which have been implemented, and some of which we are addressing.

In addition, you state that we've held a series of closed-door meetings with plant owners and trade group representatives, and removed information from the public web site, effectively undermining public participation in our processes. As you know, we have always been one of the most open federal agencies in terms of the scope and volume of information we make publicly available. We are proud of the transparency of our operations, and of the progress we have made in offering the public a chance to be involved in our meetings through our recently revised public meeting policy. However, in our efforts to ensure we do our part to protect our nation from the risk of terrorism, a small fraction of that information has, for what should be obvious and prudent reasons, been restricted. Following the terrorist attacks, the number of closed meetings involving security-sensitive discussions regarding threat assessments, Orders to licensees, and other protected information increased. We must admit that the overwhelming

focus of our efforts was on strengthening the defenses of our licensed facilities. Where threats to the nation's infrastructure are concerned, open communication and public participation cannot continue without some thoughtful caution on our part. For obvious reasons, we simply cannot publicly disseminate the details of our efforts to develop defensive strategies. We will continue our efforts to develop a means for the public to participate in some limited security discussions.

As a separate matter, although we did close the local public document rooms because of resource constraints, we believe electronic access to our documents is better than ever. Web-based ADAMS has greatly eased the access process, and although in your view our web page is "virtually useless," other stakeholders both within and outside government have singled it out as one of the most factually rich and easily navigable web sites they have encountered. We continue to respond to stakeholder feedback and improve our web page.

There are a number of initiatives we are planning in the upcoming months that we believe will improve our responsiveness to the public. In addition, we are considering recommendations made by the staff as a result of the Office of Inspector General's 2002 Survey on NRC's Safety Culture and Climate. It is our hope that by institutionalizing these improvements we will both enhance the lines of communication within our own organization as well as communicate better with those outside NRC. Our goal is to sustain a working environment that fosters innovation between the NRC staff and creates an atmosphere where employees can feel free to speak about any issue. In addition, we are reinforcing to the staff the need to be more responsive to public input, questions and comments. We will be emphasizing this in training courses, in messages to the staff, and in written guidance.

The NRC has been actively engaging the public, particularly local residents, at an early stage, in order to involve them in the full spectrum of our activities. For example, we have been holding meetings in local communities before early site permit applications for nuclear plants are received to inform residents of the agency's licensing process and safety role. We have also conducted numerous meetings with a variety of stakeholders in the Yucca Mountain, Nevada, area for several years in anticipation of the upcoming application for a high-level waste repository. We will continue to host open houses, schedule training workshops for tribal governments and attend local officials' meetings on this issue.

I and my fellow Commissioners continue to be proud of our record in regulating public health and safety and of our policies of openness and public participation. Please continue to contact us with your concerns.

Sincerely,

/RA/

Nils J. Diaz

cc: State individuals/organizations that
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