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U.S. NUCLEAR REGULATORY COMMISSION'S
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#NRCRIC2021VIRTUAL

Public Perspectives on NRC's Transformation Journey: Access to Information

Dave Lochbaum

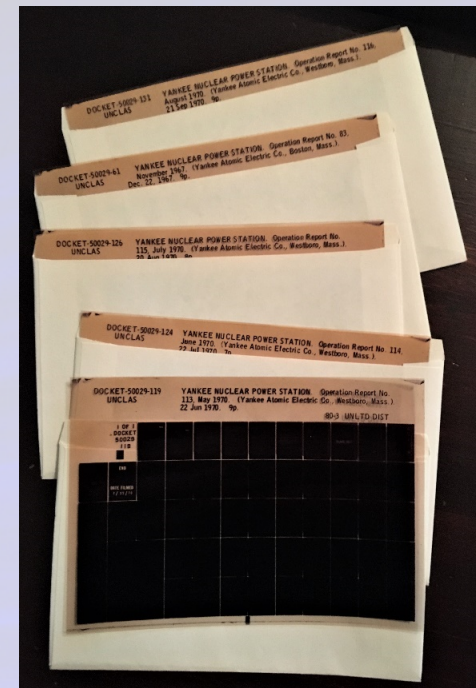
C-10 Advisory Board Member

Gender + Radiation Impact Project Board Member

The views herein are those of Lochbaum and not necessarily shared by C-10 or GRIP

In the fall of 1996, one could go to the basement of an office building on L Street in Washington, DC and view official NRC records on microfiche

They even had microfiche readers so one could read what was on the teeny, weeny little squares without squinting.



Today with WiFi access, one can quickly and easily access more than 730,000 digital records to view and/or download

The screenshot displays the US NRC ADAMS Common Web Interface. The browser address bar shows 'adams.nrc.gov/wba/'. The page title is 'Web-based ADAMS'. The navigation menu includes 'Folder View', 'Content Search' (selected), and 'Advanced Search'. The search results are displayed in a table with columns: Document Title, Accession Number, Date Added, Document Date, and Size. The search query is 'relaxing' and the results are sorted by Date Added. The table shows 10 results, including documents related to '33FR06551 - PR-33 - Byproduct Material Specific Licenses of Broad Scope - Federal Register Notice and Public Comments', 'Rev 1 to "Containment Bldg Liner Plate Design Rept."', 'Final Environmental Statement Related to Operation of Duane Arnold Energy Center (dated March 1973)', '39FR04503 - PR-31 and 32 - Revision of General License for Byproduct Material Contained in Certain Devices. Federal Register Notices and Public Comments.', 'EPA 1974 - Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.', 'Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.', 'Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.', 'EPA Report: Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.', 'Oconee Units 1, 2, and 3, License Amendments. Modification of the Axial Power Imbalance Limits for the Core Protection Safety Limits and the Reactor Protection System Maximum Allowable Setpoints.', and 'Oconee Units 1, 2 and 3, License Amendments 13, 13 and 10 re'.

Document Title	Accession Number	Date Added	Document Date	Size
33FR06551 - PR-33 - Byproduct Material Specific Licenses of Broad Scope - Federal Register Notice and Public Comments	ML173138209	11/14/2017 08:35 AM EST	04/30/1968	3.17 Mb
Rev 1 to "Containment Bldg Liner Plate Design Rept."	ML20203J186	10/28/2020 07:08 AM EDT	12/31/1972	31.31 Mb
Final Environmental Statement Related to Operation of Duane Arnold Energy Center (dated March 1973)	ML091200609	05/05/2009 08:12 AM EDT	03/31/1973	45.51 Mb
39FR04503 - PR-31 and 32 - Revision of General License for Byproduct Material Contained in Certain Devices. Federal Register Notices and Public Comments	ML17312A135	11/13/2017 08:36 AM EST	02/05/1974	11.68 Mb
EPA 1974 - Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety	ML18214A802	09/25/2018 01:08 PM EDT	03/01/1974	1.93 Mb
Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety	ML091130613	04/24/2009 11:44 AM EDT	03/31/1974	2.13 Mb
Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety	ML12241A393	09/04/2012 07:56 AM EDT	03/31/1974	1.97 Mb
EPA Report: Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety	ML101790269	06/28/2010 03:35 PM EDT	03/31/1974	2.03 Mb
Oconee Units 1, 2, and 3, License Amendments. Modification of the Axial Power Imbalance Limits for the Core Protection Safety Limits and the Reactor Protection System Maximum Allowable Setpoints	ML012200185	10/02/2001 11:11 AM EDT	10/31/1975	1.1 Mb
Oconee Units 1, 2 and 3, License Amendments 13, 13 and 10 re	ML011970004	09/12/2001 05:13 PM EDT	10/31/1975	1.13 Mb



In the fall of 1996, members of the public were allowed to attend NRC public meetings, but usually could not:

- review materials discussed during meeting
- ask any questions
- provide any comments

The NRC recognizes that some meetings open under the policy statement may warrant a greater degree of public participation. If participation beyond that of observation is allowed for a particular meeting (e.g., if members of the public will have an opportunity to speak or ask questions), a description of the nature of this participation will be specified when the meeting is announced and at the outset of the meeting by the senior NRC official participating in the meeting. (3)



Today, members of the public may attend NRC public meetings and now have the right NOT to remain silent

Category 1:

Level of Public Participation - The public is invited to observe the meeting consistent with past practice, and the public will have the opportunity to communicate with the NRC after the business portion of the meeting, but before the meeting is adjourned.

Category 2:

Level of Public Participation - The public is invited to discuss regulatory issues with the agency at designated points identified on the agenda. Generally, there will be more opportunities provided for the public to ask questions and provide comments at a meeting of this type than at a Category 1 meeting.

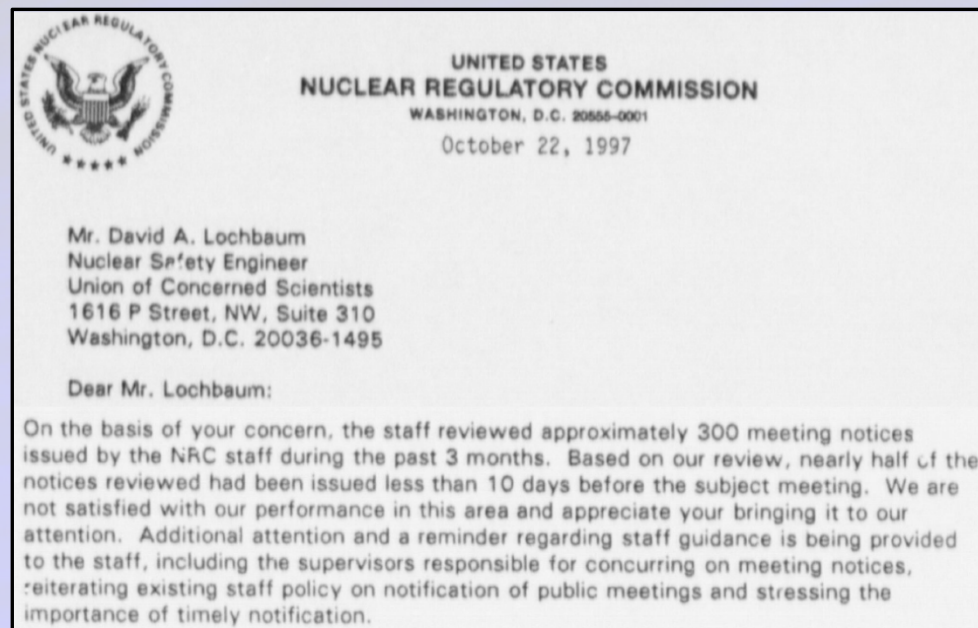
Category 3:

Level of Public Participation - Public participation is actively sought at this type of meeting, which has the widest participation opportunities and is specifically tailored for the public to comment and ask questions throughout the meeting.

Source: [ML021220206](#)



In the fall of 1996, many public meetings conducted by the NRC were not properly noticed (yet the industry folks still managed to show up in the right place at the right time)



Source: [ML20197B539](#)

Today, public meetings are posted online with links to meeting notices and associated materials

Public Meeting Schedule

- Welcome and Help
- Important Information for Attendees


[Search Public Meetings](#) [Show Recently Held Meetings](#)

System Notices

NOTE: The time listed is local to the jurisdiction where the meeting is being held. When a meeting offers video conferencing at multiple locations, these details will be provided.

Detailed information for each meeting is available by selecting **[more...]**


Meetings presently scheduled from 01/02/2021 forward

Date/Time	Purpose	Location	Contact
01/05/21 1:00PM - 3:30PM	<p>Meeting info Public teleconference meeting to discuss NuScale Standard Design Approval issues. A portion of the meeting may be closed to the public for proprietary discussion. [more...]</p> <p>Participation: Category 1</p> <p> Teleconference</p>	Teleconference	<p>GETACHEW TESFAYE (301) 415-8013</p> <p>BRUCE BAVOL (301) 415-6715</p>

Source: <https://www.nrc.gov/pmns/mtg>



In the fall of 1996, non-government attendees had to pay \$160* to enter the annual Regulatory Information Conference (or to leave; not really sure which)

 **UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

January 29, 1997

MEMORANDUM TO: Those on Attached List

FROM: Frank J. Miraglia, Acting Director
Office of Nuclear Reactor Regulation *Frank J. Miraglia*

SUBJECT: NRC REGULATORY INFORMATION CONFERENCE

The Ninth NRC Regulatory Information Conference will be held on April 1-2, 1997, at The Capital Hilton Hotel in Washington, D.C.

REGISTRATION, HOTEL RESERVATIONS, AND MEALS:

A conference registration fee of \$160 (tax and gratuity included), payable in advance to The Capital Hilton Hotel, includes two lunches (April 1 and 2), two continental breakfasts (April 1 and 2), all breaks, and handouts. Lunches both days will be in the Congressional/Senate Room.

Source: [ML20137F880](#)

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[#NRCRIC2021VIRTUAL](https://twitter.com/NRCRIC2021VIRTUAL)

Today, non-government RIC attendees can come and go without paying any dough.



The NRC has progressed along its Transformation Journey.

But to steal a line from Robert Frost's poem, it still has "...miles to go before it sleeps."

Many, many miles. Lots of miles. Mega-miles.



In fall 2004, the NRC began “hiding” incoming records about fire protection and emergency planning even though they knew most would NOT contain sensitive information.

Fire Protection	Incoming documents are initially profiled as nonpublic - staff will review for release upon request. Most information related to fire protection will not need to be designated as sensitive. Drawings showing details such as the specific location of equipment, doorways, stairways, etc. are to be withheld under 10 CFR 2.390.
Emergency Planning	Incoming documents are initially profiled as nonpublic - staff will review for release upon request. Most information related to emergency planning will not need to be designated as sensitive. Special attention is needed to determine if information relates to the response by a licensee or government agency to a terrorist attack. Note that some State and local governments consider parts of their emergency plans to be sensitive.

Source: [ML042310663](#)



The records NRC “hid” from the public included exemption and license amendment requests related to fire protection – denying the public its legal rights under the **Administrative Procedure Act** to participate in licensing actions:

02/21/2008 Oconee ([**ML080320065**](#))

04/25/2007 Browns Ferry ([**ML071160431**](#))

09/27/2006 Turkey Point ([**ML062160387**](#))

In August 2014, I submitted FOIA requests for all fire protection and emergency planning records improperly withheld from the public since October 1, 2004 ([**ML14253A353**](#))



*The NRC transformed
what it touts as an open
and transparent licensing
process into secret
negotiations between
it and plant owners.*

Source: “[The NRC and Nuclear Power Plant Safety in 2014: Tarnished Gold Standard](#)”

Nearly nine months BEFORE Fukushima, NRC “secretly” required flood protection upgrades at Oconee

CAL 2-10-003

June 22, 2010

Mr. David A. Baxter
Site Vice President
Duke Energy Carolinas, LLC
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: CONFIRMATORY ACTION LETTER - OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 COMMITMENTS TO ADDRESS EXTERNAL FLOODING CONCERNS (TAC NOS. ME3065, ME3066, AND ME3067)

Cascadia Times reporter Paul Koberstein pried the “secret” CAL from the NRC via the Freedom of Information Act

CAL 2-10-003

June 22, 2010

Mr. David A. Baxter
Site Vice President
Duke Energy Carolinas, LLC
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: CONFIRMATORY ACTION LETTER - OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 COMMITMENTS TO ADDRESS EXTERNAL FLOODING CONCERNS (TAC NOS. ME3065, ME3066, AND ME3067)

Not a single word or number was redacted!

Source: [ML13004A382](#)

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Five weeks AFTER Fukushima, NRC was still withholding from the public information about the ongoing flood protection upgrades at Oconee



Oconee Nuclear Station Annual Assessment Meeting

Reactor Oversight Program - 2010

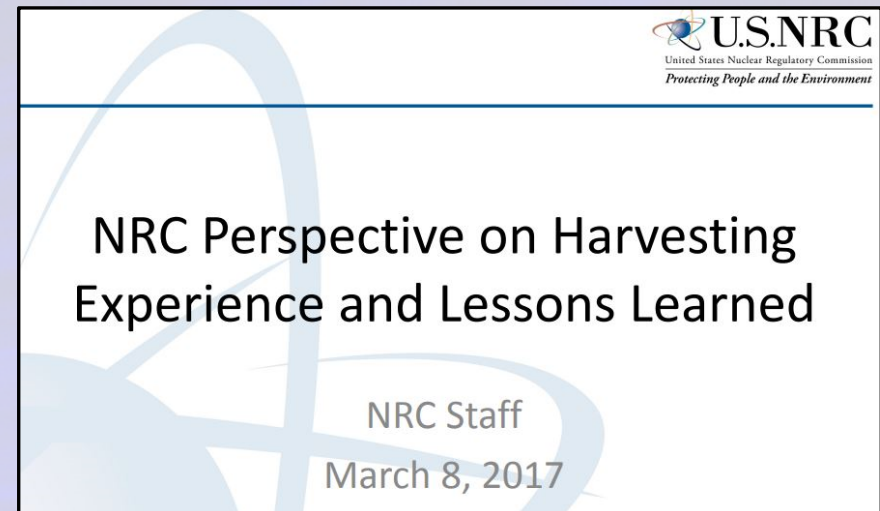
Nuclear Regulatory Commission - Region II

Seneca, SC

April 19, 2011

Source: [ML11170729](#)

The NRC's cozy dealings with industry continue; in March 2017 the NRC hosted a “secret” invitation-only workshop with its industry buddies about harvesting materials to support subsequent license renewal





The materials presented and discussed during the NRC's "secret" workshop were NOT placed in ADAMs where public eyes might see them, but instead placed on the cloud and shared with the chosen ones (i.e., NOT the public):

<https://drive.google.com/drive/folders/0B5DWMLch5YSXcnpZZ0JOS055QUU?usp=sharing>



The materials from the “secret” workshop are being slowly released in response to FOIA-2018-000831 submitted on September 25, 2018:

Response #1, 210 pages added to ADAMS 07/24/2019 (302 days)

Response #2, 351 pages added to ADAMS 11/25/2019 (426 days)

Response #3, 281 pages added to ADAMS 12/20/2019 (451 days)

Response #4, 706 pages added to ADAMS 05/12/2020 (595 days)

Response #5, 947 pages added to ADAMS 09/10/2020 (716 days)

Response #6, 800 pages added to ADAMS 11/10/2020 (777 days)

Response #7, 446 pages added to ADAMS 12/01/2020 (798 days)

Response #8, 631 pages added to ADAMS 12/10/2020 (807 days)

Response #9, 879 pages added to ADAMS 01/04/2021 (832 days)

5,251 pages and counting kept from the public

The month following the “secret” workshop, I was among several external stakeholders invited to brief the Commissioners on our views about subsequent license renewal

UNITED STATES
NUCLEAR REGULATORY COMMISSION

BRIEFING ON THE STATUS OF SUBSEQUENT LICENSING RENEWAL
PREPARATIONS

WEDNESDAY,
APRIL 26, 2017

COMMISSION MEMBERS:

KRISTINE L. SVINICKI, Chairman
JEFF BARAN, Commissioner
STEPHEN G. BURNS, Commissioner

EXTERNAL PANELISTS PRESENT:

PAUL AITKEN, Manager, Second License Renewal,
Dominion Resources, Surry Power Station, Units 1 and 2
SHERRY BERNHOFT, Program Manager, Long Term
Operations, Electric Power Research Institute
MICHAEL GALLAGHER, Vice President, License Renewal
Projects, Exelon Generation Co., LLC, Peach
Bottom Atomic Power Station, Units 2 and 3
DAVID LOCHBAUM, Director, Nuclear Safety Project,
Union of Concerned Scientists
RICHARD REISTER, Director, Light Water Reactor
Sustainability Program, U.S. Department of Energy
S. JASON REMER, Director, Plant Life Extension,
Nuclear Energy Institute

Source: [ML17118A300](#)

Most of the other external stakeholders either attended the “secret” workshop or had others in their organizations attend. Neither me, nor any one else from UCS was invited.

UNITED STATES
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Union of Concerned Scientists
RICHARD REISTER, Director, Light Water Reactor
Sustainability Program, U.S. Department of Energy
S. JASON REMER, Director, Plant Life Extension,
Nuclear Energy Institute

Workshop Attendees			
	Name	Organization	Email
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	Angela Buford	NRC	Angela.Buford@nrc.gov
	Mark Kirk	NRC	Mark.Kirk@nrc.gov
	Pete Ricardella	NRC/ACRS	Pricardella@Structint.com

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Sources: [ML17118A300](#)
and [ML20332A096](#)



The public doesn't want to play any reindeer games.

Instead, the public expects proper access to ALL appropriate meetings and documents ALL the time, not *some* meetings and *some* documents *some* of the time.



Principles of Good Regulation

Independence:	Nothing but the highest possible standards of ethical performance and professionalism should influence regulation. However, independence does not imply isolation. All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information, and must be documented with reasons explicitly stated.
Openness:	Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community.
Efficiency:	The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities. The highest technical and managerial competence is required, and must be a constant agency goal. NRC must establish means to evaluate and continually upgrade its regulatory capabilities. Regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted. Regulatory decisions should be made without undue delay.
Clarity:	Regulations should be coherent, logical, and practical. There should be a clear nexus between regulations and agency goals and objectives whether explicitly or implicitly stated. Agency positions should be readily understood and easily applied.
Reliability:	Regulations should be based on the best available knowledge from research and operational experience. Systems interactions, technological uncertainties, and the diversity of licensees and regulatory activities must all be taken into account so that risks are maintained at an acceptably low level. Once established, regulation should be perceived to be reliable and not unjustifiably in a state of transition. Regulatory actions should always be fully consistent with written regulations and should be promptly, fairly, and decisively administered so as to lend stability to the nuclear operational and planning processes.

Source: <https://www.nrc.gov/about-nrc/values.html#principles>



Principles of Good Regulation (cont.)

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**Non-public, invitation-only
meetings with industry
representatives and
improperly withheld
documents glacially released
fall short of the purported
“Openness” principle.**

**NRC HAS NOT EARNED
THE PUBLIC'S TRUST!!**



Selected beliefs ranked by strength of belief:

- Santa Claus
- NRC values openness
- New York Jets will win the Super Bowl in 2022
- NRC practices openness
- The earth is flat

Everyone buying a lottery ticket dreams of winning big, but few do. NRC must stop buying openness tickets and start taking openness actions.