

Natural Resources Defense Council, Physicians for Social Responsibility, Public Citizen, Nuclear Information and Resource Service, Project on Government Oversight, Riverkeeper, Inc., Pilgrim Watch

May 9, 2011

Via Electronic and First Class Mail

Commissioners Ostendorff, Magwood, Svinicki
Attn: Ms. Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Subject: Topics discussed at May 2, 2011 meetings with public interest groups

Dear Commissioners Ostendorff, Magwood, and Svinicki:

We, the Natural Resources Defense Council (NRDC), Physicians for Social Responsibility, Public Citizen, Nuclear Information and Research Service, Project on Government Oversight, Riverkeeper, and Pilgrim Watch write to thank you for taking the time to meet with us separately on Monday, May 2, 2011. We would like to follow up on a few of the issues we discussed with each of you at the separate meetings and request a written response to the following three matters.

First, we request that you publicly post on the NRC website the daily briefings on the Japanese disaster and all associated technical information referenced in the briefings. Tom Cochran of NRDC suggested that daily briefings to the Commissioners on the ongoing disaster could be made public within a week. None of you specifically objected to such a suggestion and we hope you will agree to this request. As we noted during the meeting, the paucity of useful technical information on the Japanese disaster has been a significant problem and sharing such information (and the attendant references that will necessarily be part of any such briefing) could obviate the need for several of the Freedom of Information Act requests filed with the NRC. Public understanding of NRC's actions and potential options for domestic action would be significantly enhanced by releasing much more of the data the agency has received related to the Japanese disaster, with the understanding that the data is not being generated by the NRC. Disclosure will help the public more effectively engage in the NRC's ongoing 90 day review of the operating nuclear fleet and the six-month evaluation proposed by the Chairman.

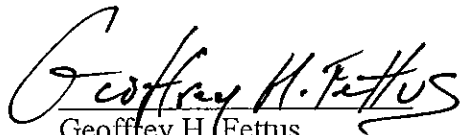
Second, we reiterate our request that the Commission direct a "public scoping" process for the proposed "longer-term," six-month review of the Japanese disaster. Our understanding of what the NRC proposes to do remains informed by the original

statement by Chairman Jazcko. See <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj.pdf>. Specifically, the NRC plans to “evaluate all technical and policy issues related to the event to identify additional research, generic issues, changes to the reactor oversight process, rulemakings, and adjustments to the regulatory framework that should be conducted by NRC.” The Chairman’s memorandum also states that “During the review, the task force should receive input from and interact with all key stakeholders.” We strongly believe the NRC’s review process will be best served by providing the public an opportunity to weigh in on the scope of issues being reviewed prior to the beginning of the six – month review, rather than merely being allowed to comment on the review once the scope of issues has been decided upon by the NRC, presumably without formal public input. Public participation should begin at the earliest possible stage in order to ensure a clear, transparent process. We envision the equivalent of a scoping process as conducted under a National Environmental Policy Act (NEPA) process (see relevant NRC regulations at 10 C.F.R. § 51.26-29), but are open to other ways that the same objectives can be accomplished.

Third, we request that the Commission direct the Staff to document for each of the 104 operational reactors all deviations from the current “best practices” as set forth in the most up to date regulations, regulatory guides, standard review plans, information bulletins and the like, including exemptions from license conditions granted pursuant to 10 CFR §50.12. In other words, create a list for each reactor of all variances or exemptions from current best practices required of new licensees. We understand that regulatory practices have evolved over the past 40 years and that operating reactors have certain practices or design features that have been “grandfathered.” Such a list does not necessarily imply that any variance or exemption is inappropriate. However, if we are to improve the safety of existing nuclear power plants in light of the Japanese disaster, understanding and precisely documenting those variances and exemptions from current best practices will be a critical element of a meaningful six-month review.

Thank you again for your attention to these requests and we look forward to your response. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



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cc: Chairman Jaczko, Commissioner Apostolakis