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Joan Claybrook, President

October 27, 2004

Chairman Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: NRC's Suspension of the ADAMS On-line Library, Electronic Hearing Docket, and Licensing Support Network

Dear Commissioners:

As a leading advocate of openness and democratic accountability in government, Public Citizen strenuously objects to the wholesale suspension of the public's access to NRC records posted in the Agencywide Document Access and Management System (ADAMS), the Electronic Hearing Docket (EHD), and the Licensing Support Network (LSN). We urge you to immediately restore access to these online systems, which are essential for meaningful public participation.

The NRC justifies its action as necessary to "ensure that documents which might provide assistance to terrorists will be inaccessible" while it conducts a security review to weed out this sensitive information. After the events of September 11, 2001, the NRC conducted a review of security at the country's nuclear power plants while allowing them to remain in operation. If the security situation is stable enough to keep these plants running, it is stable enough to allow the public access to essential documents while the NRC performs its security review.

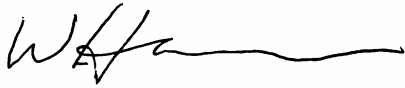
Deadlines for comments are pending on draft Environmental Impact Statements, proposed rules, and other NRC regulatory actions. Without access to ADAMS, it is impossible for the public to submit comments, especially since paper copies of these documents are no longer sent to local NRC reading sites. Furthermore, parties to ongoing licensing proceedings rely on access to ADAMS to retrieve documents essential to filing legal briefs. Public Citizen, which is currently involved in several regulatory and licensing actions, will be raising these issues with the relevant Atomic Safety and Licensing Boards.

We acknowledge that security related to nuclear materials and nuclear plants is of paramount importance. Nevertheless, inappropriate information — which, in some cases, has been posted on the ADAMS site for years — can be removed without completely barring the public from accessing the database.

This action is not in accordance with the “Principles of Good Regulation” to which the NRC purports to adhere; specifically, it violates the principle of “openness,” which states, in part, that the “public must be informed about and have the opportunity to participate in the regulatory processes as required by law.” The ability of the public to be informed about and participate effectively in NRC regulatory processes is critically impaired by the agency’s recent action.

In order that the public may have meaningful participation in NRC proceedings, it is crucially important that access to ADAMS, EHD, and LSN be restored. If the NRC cannot meet this request, we urge you to suspend non-essential licensing, rulemaking, and other regulatory actions involving the public until access to these documents is restored.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Hauter', with a long horizontal flourish extending to the right.

Wenonah Hauter
Director, Critical Mass Energy Program
Public Citizen