

December 11, 2008

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of October 23, 2008, regarding the NRC's policies related to sharing documents with stakeholders. Specifically, you asked how documents associated with two Regulatory Issue Summaries (RISs) (RIS-2008-10 and RIS-2008-10, Supplement 1) were disseminated for stakeholder comment.

Public involvement in the NRC's activities is a cornerstone of strong, fair, and transparent regulation of the nuclear industry. The NRC recognizes the public's interest in the appropriate regulation of nuclear activities and provides opportunities for citizens to make their opinions known. The NRC elicits public involvement early in the regulatory process so that safety, security, and environmental concerns that may affect a community can be resolved in a timely and practical manner. The NRC considers this process to be vital to assuring the public that the NRC is making sound, balanced decisions about nuclear safety.

The NRC is proactive in pursuing public involvement in the decision making process as reflected in the NRC's policy statement, "Enhancing Public Participation in NRC Meetings." This policy statement describes the NRC's public meeting categories and establishes the requirements and guidance for public availability of draft documents and public participation in NRC meetings.

The NRC staff has reviewed Mr. Riccio's October 8, 2008 letter and determined that he is correct that the NRC did not post the two documents on the Documents for Comment webpage, which was a departure from agency internal guidance. However, as described below, the NRC staff did take several other steps to provide stakeholders with opportunities to comment on these draft documents through other mechanisms. The NRC provided stakeholders with opportunities to comment on draft RIS-2008-10 and draft RIS-2008-10, Supplement 1. Both of these communications describe existing statutory requirements governing the eligibility of individuals to possess firearms. Because these documents do not communicate new policy, they were not published in the Federal Register. The NRC staff held public meetings with the Nuclear Energy Institute on March 14, 2008, to discuss the original RIS and on September 3, 2008, to discuss the supplemental RIS. Both meetings were open to public attendance and participation and were noticed in advance on the NRC public website. To facilitate discussion and provide every stakeholder with the opportunity to review the documents before the respective meetings, the NRC posted an electronic version of the draft RISs on the NRC Public Meeting Schedule webpage adjacent to the meeting notice and agenda. The draft RISs were subsequently available at each public meeting so any attendee that did not have an opportunity to review the online version prior to the meeting would be able to review the draft RIS and provide comments.

Although an electronic copy of the PDF format of each draft RIS was posted in advance of each meeting on the NRC's "Public Meeting Schedule" webpage along with the notice of the meeting, the draft RISs were not posted to the "Documents for Comment." This is a departure from Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings." The staff posted draft RIS 2008-10, Supplement 1, to the "Documents for Comment" webpage following receipt of the October 8 letter from Greenpeace.

Detailed responses to the questions contained in your letter are provided in the enclosure. If you have any additional questions about the NRC activities related to sharing draft documents with stakeholders, please do not hesitate to contact me.

Sincerely,

/RA/

Dale E. Klein

Enclosure: Response to Questions

Response to Questions

Question 1. According to the Greenpeace letter, the NRC staff afforded the Nuclear Energy Institute (NEI) an exclusive opportunity to comment on two Regulatory Issue Summaries (RIS) concerning Federal Firearms Background Checks and Individuals Under a Federal Firearms Disability (RIS-2008-10 and RIS-2008-10, Supplement 1, respectively). Is this true? If so, who at the NRC authorized the activity and to whom in the industry were the documents provided?

Answer 1.

The NRC did not provide NEI with an exclusive opportunity to comment on the two draft Regulatory Issue Summaries (RIS-2008-10 and RIS-2008-10, Supplement 1). The NRC provided all stakeholders the opportunity to comment on the two draft Regulatory Issue Summaries (RISs). The NRC staff held a public meeting with NEI on March 14, 2008, to discuss the original RIS and on September 3, 2008, to discuss the supplemental RIS. Both meetings were open to public attendance and participation and were noticed in advance on the NRC public website. Draft RIS 2008-10 and draft RIS 2008-10, Supplement 1, were not posted to the Documents for Comment webpage prior to the public meetings which was a departure from our internal guidance. However, to facilitate discussion and provide every stakeholder with the opportunity to review the documents before the respective meetings, the NRC posted an electronic version of each draft RIS on the NRC Public Meeting Schedule webpage adjacent to the related meeting notice and agenda. The draft RISs were subsequently available at each public meeting so any attendee that did not have an opportunity to review the online version prior to the meeting would be able to review the draft RIS during and following the meeting and provide comments.

Question 2. Please describe the NRC's regulations or policy for requesting and accepting comments on agency documents. Is the practice or policy detailed in any agency document and if so, please provide a copy(ies). Was the NRC staff action described in the Greenpeace letter consistent with these regulations or policy? If not, what actions has NRC taken to investigate these incidents, hold those responsible accountable, determine whether other similar instances have occurred in the past and prevent future such instances from occurring?

Answer 2.

The two public meetings related to the RISs were conducted in conformance with the NRC's policy on public meetings. The NRC's policies for requesting and accepting comments on agency documents vary according to document type. For documents associated with public meetings, the NRC published a policy statement entitled, "Enhancing Public Participation in NRC Meetings" in the Federal Register on May 28, 2002 (Attachment 1). The Commission policy enhanced public participation in NRC meetings. The policy statement describes the NRC's public meeting categories and establishes the requirements and guidance for public availability of draft documents and public participation in NRC meetings. This policy forms the

Enclosure

NUCLEAR REGULATORY COMMISSION

Enhancing Public Participation in NRC Meetings; Policy Statement

AGENCY: Nuclear Regulatory Commission

ACTION: Policy Statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its public meeting policy to enhance public participation in NRC meetings. This policy brings consistency to NRC public meetings planned by headquarters and regional staff by introducing a categorization system whereby the public can anticipate the level of participation that will be provided for during an upcoming meeting. The NRC has identified three categories of public meetings it convenes and has described information availability and follow-up effort associated with each meeting category. Information such as agendas, background documents, and meeting summaries will be available in ADAMS and at NRC's web site for certain categories of meetings. The policy also provides guidance on teleconferencing, security, and other administrative issues related to NRC staff-sponsored public meetings. This revision is in response to suggestions made by the public at a meeting held in April, 2001, and to fulfill the NRC's strategic goal of increasing public confidence.

EFFECTIVE DATE: (Insert date of publication in the *Federal Register*).

FOR FURTHER INFORMATION CONTACT: Mindy Landau or Ramin Assa, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-8703 or (301) 415-8709 respectively.

Commission Policy Statement on Staff Meetings Open to the Public

A. Purpose

The Nuclear Regulatory Commission has had a formal policy regarding open meetings since 1978 which has been revised periodically, and most recently on September 20, 2000. This paper presents a revised policy that the Nuclear Regulatory Commission (NRC) will follow in opening meetings between the agency staff and one or more outside persons to public observation and participation. The revised policy continues NRC's longstanding practice of providing the public with substantial information on its activities and of conducting business in an open manner, while balancing the need for the NRC staff to exercise its regulatory and safety responsibilities without undue administrative burden. The revised policy also sets forth a plan for categorizing meeting types that will provide a framework for enhancing public participation. The public will be notified of the category of the meeting, and thereby the level of participation to be anticipated, via the NRC's Public Meeting Notice System on its web site. Implementing guidance will be issued to the NRC staff. This meeting policy is a matter of NRC discretion and may be departed from as circumstances warrant.

B. Definition

A public meeting is a planned, formal encounter open to public observation and participation between one or more NRC staff members and one or more external stakeholders, with the expressed intent of discussing substantive issues that are directly associated with the

NRC's regulatory and safety responsibilities. An external stakeholder is any individual who is not:

1. An NRC employee;
2. Under contract to the NRC;
3. Acting as an official consultant to the NRC;
4. Acting as an official representative of an agency of the executive, legislative, or judicial branch of the U.S. Government (except on matters where the agency is subject to NRC regulatory oversight);
5. Acting as an official representative of a foreign government;
6. Acting as an official representative of a State or local government or Tribal official (except when specific NRC licensing or regulatory matters are discussed).

C. Applicability and Exemptions

1. This policy applies solely to NRC staff-sponsored and conducted meetings and not to meetings conducted by outside entities in which NRC staff members might attend and participate. It does not apply to Commission meetings or to meetings sponsored by offices that report directly to the Commission. Similarly, it does not apply to meetings between NRC staff and representatives of State government, including Agreement State representatives, relating to

NRC Agreement State activities or to State regulatory actions or to other matters of general interest to the State or to the Commission; that is, matters other than specific NRC licensing or regulatory actions involving specific licensees. Also, the policy is not intended to apply to or supersede any existing law, rule or regulation that addresses public attendance at a specific type of meeting. For example, 10 CFR Part 7 and 10 CFR Part 9 will continue to be applicable to advisory committee meetings and Commission meetings, respectively.

2. This policy covers various types of public "meetings." It does not cover the "hearings" associated with adjudicatory proceedings under the Commission's Rules of Practice in 10 CFR Part 2.

The term "public meeting" is traditionally associated with the Commission's efforts to provide information to the public and to seek public views on various generic and site-specific issues. These meetings are open to a wide variety of people with an interest in the subject matter and a willingness to follow the ground rules established for the conduct of the meeting.

The term "hearings," covered under 10 CFR Part 2, relates primarily to Commission adjudicatory proceedings on various types of licenses and licensing actions (e.g., initial issuance of a license, amendment of an existing license, renewal of a license) or to enforcement actions involving the imposition of civil penalties or orders to modify, suspend or revoke a license or take other appropriate action. This policy also does not cover meetings concerning the settlement of issues pertaining to any proceeding or regarding enforcement matters. Specific requirements regarding participation in and the conduct of such hearings are provided in the Commission's Rules of Practice set out in 10 CFR Part 2.

3. Meetings between the NRC staff and external stakeholders will be designated as public meetings unless the NRC staff determines that the subject matter or information to be discussed meets one or more of the following criteria:

- a. Is specifically authorized by an Executive Order to be withheld in the interests of national defense or foreign policy (classified information) or specifically exempt from public disclosure by statute;
- b. Contains safeguards or other protected information;
- c. Contains trade secrets and commercial or financial information (proprietary information);
- d. Is of a personal nature where such disclosure would constitute a clearly unwarranted invasion of personal privacy;
- e. Is related to a planned, ongoing, or completed investigation and/or contains information compiled for law enforcement purposes;
- f. Could result in the inappropriate disclosure and dissemination of preliminary, predecisional or unverified information;
- g. Is a general information exchange having no direct, substantive connection to a specific NRC regulatory decision or action. However, should discussions in a closed meeting approach issues that might lead to a specific regulatory decision or action, the NRC staff

may advise the meeting attendees that such matters cannot be discussed in a closed meeting and propose discussing the issues in a future open meeting.

- h. Indicates that the administrative burden associated with public attendance at the meeting could interfere with the staff's execution of its safety and regulatory responsibilities, such as when the meeting is an integral part of the execution of the NRC inspection program.

It is important to note that whether or not a meeting should be open to the public is dependent primarily on the subject matter to be discussed, not who is participating (e.g., staff level versus senior management).

Also note that meetings between staff and licensees or trade groups to discuss technical issues or licensee performance would normally be open because they may lead to a specific regulatory decision or action.

D. Public Participation in NRC Meetings

In order to fulfill the NRC's strategic goal of increasing public confidence, the agency has identified three categories of public meetings the agency convenes and has developed criteria for the level of public participation, information availability and follow-up effort associated with each meeting category. The extent of known public interest in the meeting or activity and the objective of the meeting insofar as public involvement is concerned, will be considered by the staff when assigning a meeting to an appropriate category. The description, purpose, and levels of public participation for each category of meeting is described below.

Category 1

Description - Meetings in this category are typically held with one licensee, vendor, applicant or potential applicant rulemaking to discuss particular regulatory issues regarding their specific facility (or facilities), certificate of compliance, license or license application.

Meeting Purpose - The purpose of this type of meeting is to discuss one particular facility or site, or certified system or device, with an applicant or licensee regarding, for example, technical issues in an application, licensee actions, or inspection results. At this type of meeting, NRC anticipates that the public would obtain factual information to assist in their understanding of the applicable regulatory issues and NRC actions.

Examples - Examples of this type of meeting could include: annual public meetings to discuss plant performance, regulatory conferences, predecisional enforcement conferences, meetings held prior to a facility restarting, as well as meetings held on licensing actions (or applications), renewals and amendments, new facilities, away-from-reactor storage sites, large or complex fuel cycle facilities, or waste disposal sites. Certain inspection exit meetings such as those for Incident Investigation Teams, Augmented Inspection Teams or others as appropriate, would also be included in this category.

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. This does not preclude the licensee from responding to questions if they choose to do so.

For Category 1 meetings longer than two hours, one or more opportunities may be provided for the public to ask questions before the end of the meeting, if practicable. In advance of the meeting, members of the public may request, via e-mail or telephone, that the meeting coordinator consider changing the meeting to a Category 2 meeting (discussed below), depending on the level of public interest in the activity being discussed. Meetings that the staff believe will generate high public interest should also provide more than one opportunity for public comments and questions. The decision on whether to change the category of any particular meeting is a matter left to the discretion of the staff on a case-by-case basis.

Types of Information Provided - At a minimum, an agenda or a list of items to be discussed will be entered into the Agencywide Documents Access and Management System (ADAMS). The ADAMS document accession number would be provided in the meeting notice that is posted at our public web site for access to any primary or background documents.

Follow-up - No formal follow-up will be provided beyond the normal period for questions. Informal follow-up (telephone or e-mail) may be appropriate for certain questions that cannot be answered at the meeting. Members of the public also have the option of writing or e-mailing the staff about particular concerns. These concerns will be considered by the staff as it deliberates on the issue. Feedback forms would also be provided at this type of meeting, so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate. Meeting summaries and participant lists will be publicly available in ADAMS.

Category 2

Description - Meetings in this category are typically held with a group of industry representatives, licensees, vendors or non-governmental organizations.

Meeting Purpose - The purpose of this type of meeting is for NRC to obtain feedback from the regulated community and other external stakeholders on issues that could potentially affect more than one licensee. At this type of meeting, NRC anticipates that the public would obtain factual information and provide the agency with feedback on the analysis of the issues, alternatives and/or decisions.

Examples - This type of meeting includes task force groups, industry groups (such as the Nuclear Energy Institute or owners groups), or public interest and citizen group discussions that focus on issues that could apply to several facilities, such as plant system aging, license renewal, decommissioning, or spent fuel storage.

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.

Types of Information - An agenda, names of participants, and background documents will be entered into ADAMS, and the ADAMS package accession number will be provided in the meeting notice. A web page with links to other appropriate background information will be made available at NRC discretion. The ADAMS package accession number and any link to a web page will be posted to the public web site.

Follow-up - Staff will provide answers to questions as appropriate during the meeting. Questions that cannot be answered at the meeting will be assigned to a designated staff person as an action item. Meeting summaries or any transcripts and participant lists would be provided in ADAMS and on the web, if a web site is established. Feedback forms will be provided as they are in Category 1 meetings, so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate.

Category 3

Description - This type of meeting would be held with representatives of non-government organizations, private citizens or interested parties, or various businesses or industries (other than those covered under Category 2) to fully engage them in a discussion on regulatory issues.

Meeting Purpose - The purpose of this type of meeting is to maximize discussions with the public to ensure that their issues and concerns are presented, understood and considered by the NRC. The NRC anticipates that the public would work with the agency to facilitate the widest exchange of information, views, concerns and suggestions with regard to license-specific or generic regulatory issues.

Examples - Examples might include town hall or roundtable discussions, Environmental Impact Statement scoping meetings, workshops, the Regulatory Information Conference, the Nuclear Safety Research Conference, or proposed rulemaking meetings.

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.

Types of Information - An agenda, names of participants and background documents will be entered into ADAMS, and the accession number will be provided in the meeting notice. In addition, a web page will be created where all relevant documents for the meeting will be posted. The ADAMS accession number and a link to the required web page will be posted to the public web site.

Follow-up - Staff follow-up is similar to Category 2, but meeting summaries or transcripts and participant lists will be provided in ADAMS and linked to the web site. Feedback forms will also be provided at this level meeting.

E. Notice to the Public

Meeting announcement information is to be provided to the public as soon as the staff is reasonably confident that a meeting will be held and firm date, time and facility arrangements have been made, but generally no fewer than 10 calendar days before the meeting. Where a meeting must be scheduled but cannot be announced 10 calendar days in advance, the staff will provide as much advance notice as possible. Public notice of meetings will be made via the internet on the NRC web site. Meeting changes or cancellations will also be announced promptly on the NRC web site. Members of the public who cannot access the NRC web site can contact the NRC Public Document Room staff via a toll-free number (1-800-397-4209) or by

e-mail (pdr@nrc.gov) for information on scheduled NRC meetings. Some meetings having very high public interest will also be noticed via a press release or paid advertisement in local newspapers, or both.

The assigned category level of the meeting, agenda, background documents, Commission papers, or other material that could be helpful to attendees at the meeting will be entered into ADAMS and made available through the public meeting notice system.

Teleconferencing may be requested by participants to the extent that travel to a meeting is considered difficult for interested citizens. Requests for teleconferencing should be made directly to the meeting contact listed on the public meeting web site. Such requests may be granted to the extent budget resources are available and technical factors can be accommodated.

F. Visitors and Security

1. Registration, Badging, and Sign-in Procedures

All visitors to the NRC's White Flint North (WFN) complex in Rockville, Maryland are screened through metal detectors and their packages are x-rayed. All visitors age 18 and older must present a picture identification.

During normal security access hours (6 a.m. – 6 p.m. Monday through Friday), NRC employees must register their visitors (visitor's name, organization, time, place and purpose of visit, and whether the visit involves classified information) with the guard force.

Visitors who have been registered in advance are issued a visitor badge by a guard and may move about freely without an escort in the public spaces. The public spaces in One White Flint North are the Public Document Room, the Commission Meeting Room (when open for a meeting), and the NUREG Café. In Two White Flint North, the public spaces are the Exhibit Area, Cafeteria, Snack 'n Go, and the Credit Union. Restrooms are also considered public spaces in both building complexes.

Visitors to the Public Document Room, the Commission Meeting Room or Credit Union are not normally registered in advance and their access to the public spaces is restricted.

2. Parking Procedures

Visitors to the NRC are encouraged to use Metro because parking availability is limited. Vehicles driven by visitors are subject to inspection (undercarriage, trunk, hood, and inside), before being allowed to enter the complex. Visitors must have prior approval (arranged by an NRC employee) to park inside the garage or in the outside visitor parking area behind the buildings. Visitors who want to park in the garage must have an NRC escort before driving into the garage. The NRC escort must accompany the visitor from the garage to a receptionist area on the lobby level for screening, registration, and badging. Visitors pre-approved to park in the outside visitor parking area are directed by a guard to park their vehicles in the visitor parking area and proceed to the lobby of either building to meet their escorts and go through screening, registration, and badging.

3. Recording Devices and Cameras

Portable electronic devices including cellular telephones, pagers, palm-size computing devices, two-way radios, and portable computers are allowed into NRC buildings and public meetings. However, devices that could interrupt or distract from public meetings (cellular phones, pagers and two-way radios) are not to be used during public meetings.

In addition, visitors may use recording devices in public meetings held in NRC headquarters spaces on the lobby levels designated as a “public access area.” Cameras and video recording devices (e.g. camcorders) are permitted in public meetings on a case-by-case basis, with the approval of the Director, Office of Public Affairs or the Director, Division of Facilities and Security.

Any article that could cause property damage or personal injury is prohibited in NRC buildings. Prohibited articles include firearms, explosives, and incendiary devices. Members of the public going to NRC “controlled spaces” inside the buildings above the lobby levels are allowed access with recording devices with the approval of the sponsoring office and under the escort of an NRC employee.

4. Restrictions on Signs and Banners

Signs, banners, posters, and displays not larger than 18"x18" are permitted at NRC public meetings, but cannot be waved, held over one's head, or generally moved about in the meeting room because they are distracting to the participants and audience. Signs, banners, posters, and displays affixed to sticks, poles, etc., are not permitted in the meeting rooms.

5. Escort Requirements

All visitors going to locations above the first floor lobby level must display an NRC visitor badge and must be escorted by an NRC employee - one employee may escort up to five visitors.

6. Use of NRC Copiers, Telephones, and Fax Machines

Visitors may not use NRC copiers and fax machines without the approval and supervision of an NRC employee. Visitors may use building lobby level telephones to make brief in-house and local calls. Those visiting the PDR or attending public meetings are also prohibited from bringing copying or imaging devices, including scanners, CD-ROM writers, photocopy machines, or other devices which permit the duplication of NRC documents because of the devices' intrusive and disruptive nature.

7. Other Locations or Regions

Visitor controls and related security procedures are established for public meetings held in NRC regional offices or other remote locations based on an overall assessment by the Physical Security Branch relative to potential security concerns. Security requirements nationwide may differ based on various factors and therefore meetings are evaluated on a case-by-case basis.

G. Contact

The primary point of contact in the agency for general issues related to this policy will be the Assistant for Communications, Deputy Executive Director for Management Services, Office of the Executive Director for Operations. The Office of Public Affairs is also available to receive

basis for the associated Management Directive 3.5 (MD 3.5), "Attendance at NRC Staff Sponsored Meetings" (Attachment 2).

In accordance with this policy, the staff issued a meeting notice that contained the agenda, names of participants, and the draft RIS. This meeting notice was posted on the NRC Public Meeting Schedule webpage.

The draft RISs did not require a formal opportunity for the public to comment because no new policy or regulatory positions are communicated in these RISs; therefore, they were not published in the Federal Register for public comment. The purpose of RIS 2008-10 and RIS 2008-10, Supplement 1, is to underscore the importance of continued vigilance by licensees, certificate holders, applicants, and their respective security personnel in complying with current Federal law prescribed by the Gun Control Act and to provide time for advance planning by licensees, certificate holders, applicants, and their respective security personnel before the NRC issues new requirements on firearms background checks. These new requirements stem from the new authority provided to the Commission in the Energy Policy Act of 2005. The new authority will be implemented by issuance of Firearms Guidelines and promulgation of a rule which will be noticed in the Federal Register for public comment. To ensure that the complex information contained in each RIS was clear to the licensees, certificate holders, and their armed security personnel, the staff held public meetings with the industry.

Draft RIS 2008-10 and draft RIS 2008-10, Supplement 1, were not posted to the Documents for Comment webpage prior to the associated meetings but were available on the NRC public website. This is a departure from the guidance contained in MD 3.5. The staff posted draft RIS 2008-10, Supplement 1, to the Documents for Comment webpage following receipt of the October 8 letter from Greenpeace. The importance of adhering to the guidance in MD 3.5 has been communicated to the staff.

Question 3. Does the agency always publish documents on which the NRC solicits comment in the Federal Register?

Answer 3.

The NRC solicits comment on all proposed NRC rules, and these rulemaking documents are published in their entirety in the Federal Register. Select other documents for comment are published in the Federal Register, including Policy Statements.

When the NRC seeks public comment on many non-rulemaking documents, the documents are typically not published in the Federal Register. Instead, the NRC publishes a notice in the Federal Register announcing the availability of the document and providing the public information for accessing and commenting on the document through the NRC's Agencywide Documents Access and Management System (ADAMS) and the Federal e-rulemaking portal at <http://www.regulations.gov>. This process eliminates duplicative publication costs, saving agency resources while providing the public an efficient method of accessing and commenting on NRC documents.

Question 4. Did the agency publish the two RISs in question in the Federal Register? If so, please provide date and FRN page number for each. If not, why not?

Answer 4.

These notices were not published in the Federal Register for the reasons indicated in the response to question 2. No new policy or regulatory positions were communicated in these RISs; therefore, they were not published in the Federal Register for public comment.

Question 5. Please explain how the agency determines when a document should be published in the Federal Register; when a document should be posted on the “Documents for Comment” section of the website; or both? What specific agency procedures are followed when making these decisions?

Answer 5.

The NRC’s policies for publishing agency documents vary according to document type. As discussed in the response to question 3, the NRC typically publishes a notice of availability in the Federal Register for many non-rulemaking documents and some rulemaking support documents when seeking public comment. Documents noticed in the Federal Register are posted or linked to the Documents for Comment webpage.

Question 6. The agency’s Management Directive Volume 3, Part III, “Scheduling and Announcing Meetings”, in the section entitled, “Procedures for Noticing Meetings (C)”, explains that for public meetings, the agency is to ensure that documents available for public comment are posted on the appropriate “Documents for Comment” page on the NRC’s public Website. Did the agency host public meetings regarding either of these documents, and if so, were the RISs available for comment in the “Documents for Comment” section of the website? If so, please provide the date and location of posting. If not, please explain why the management directive was not followed.

Answer 6.

As discussed in the response to questions 1 and 2, the NRC held two public meetings which were open to public attendance and participation and were noticed on the NRC public website. The NRC’s policy statement entitled “Enhancing Public Participation in NRC Meetings” specifies that an agenda, names of participants, and background documents be entered into ADAMS, and the ADAMS number provided in the meeting notice. In accordance with this policy, the staff issued a meeting notice for each meeting that contained the agenda, names of participants, and the draft RIS. These meeting notices were posted on the NRC Public Meeting Schedule

webpage. To facilitate discussion and provide every stakeholder the opportunity to review the documents before the respective meetings, the NRC posted an electronic version of the draft RISs on the NRC Public Meeting Schedule webpage adjacent to the meeting notice and agenda. Draft RIS 2008-10 and draft RIS 2008-10, Supplement 1, were not posted to the Documents for Comment webpage prior to the public meetings. This is a departure from the guidance contained in MD 3.5. The staff posted draft RIS 2008-10, Supplement 1, to the Documents for Comment webpage following receipt of the October 8 letter from Greenpeace. The importance of adhering to the guidance in MD 3.5 has been communicated to the staff.

Question 7. Are there any other instances in the last five years of a document being provided for comment solely to a single type of stakeholder? If so, for each instance please list the document by title, to whom it was provided, and the date of the occurrence, and the reason why it was withheld from all other stakeholders. Also, explain in each instance whether the NRC made changes to the document based upon the comments received, what specific changes were made, and if and where the comments received were made publically available.

Answer 7.

Other than the categories listed below, the NRC is not aware of any cases where information was provided to only one party for comment. Documents that the NRC has shared with limited stakeholders prior to issuance during the past five years can be grouped into the following categories:

- The NRC may share documents with Agreement States before they are publicly available. The Atomic Energy Act of 1954, as amended, authorizes the NRC to enter into formal Agreements with States that transfer regulatory authority over certain radioactive materials to the States. Current agency practice is to provide predecisional programmatic documents – such as preliminary drafts of rulemaking plans, proposed and final rules, and licensing and inspection guides that may affect their licensees – to the 35 Agreement States. Subsequently, these documents are noticed in the Federal Register for full public comment, including a discussion of the State's views, concerns, and comments. The formal procedure for providing information to Agreement States is "Providing NRC Predecisional Documents to Agreement States and Appropriate Working Groups of the Conference of Radiation Control Directors, Inc" (SA-800). The NRC publishes this internal procedure on our public website.
- The NRC may share copies of draft safety evaluation reports that discuss information submitted as part of a proprietary document with an applicant so that the applicant can confirm that there is not any proprietary information in the draft report, correct any factual inaccuracies, and agree to any conditions contained in the report. The NRC would remove the proprietary information before the safety evaluation report is finalized and made available to the public. An applicant may only provide input on potential proprietary information and correct any factual inaccuracies; the applicant is not allowed to comment on the staff's findings or try to influence the final report.

- In the 10 CFR 2.206 Petition for Rulemaking process, the proposed director's decision is sent to the petitioner and the licensee requesting their comments. It is also made publicly available. Although comments are not requested from the general public or other stakeholders, if any are received, the comments would be addressed in the final director's decision. The intent of sharing the draft document is to give the petitioner and the licensee an opportunity to identify any factual errors in the decision document.
- The NRC encourages the use of peer reviews for research products and has developed RES Office Instruction PRM-010, "Peer Review of RES Projects," which provides guidance for the conduct of these reviews. A peer review panel, generally comprised of technical experts from inside and outside the agency, may review a product before it is released to the public. In most cases external peer reviewers are paid contractors. PRM-010 specifically notes the need to withhold pre-decisional information from public release when conducting peer reviews; therefore, external peer reviewers would sign a non-disclosure agreement.
- Documents developed jointly with an external entity under a Memorandum of Understanding or a cooperative agreement are provided to those other entities for review before public release as part of the authoring process. This includes documents developed in cooperation with other Government agencies such as the recent report to Congress on the Global Nuclear Energy Partnership which was jointly developed with the Department of Energy.
- The current process for issuing accident sequence precursor analyses is described in Regulatory Information Summary (RIS) 2006-24. Under this process, NRC provide certain analyses to the licensee for review of the factual information regarding the event being analyzed. After the comments are resolved, the analysis and the comments are made public. No analyses have met the criteria and been transmitted to the licensee for comment since the RIS was issued.
- Classified, Safeguards Information (SGI), and Official Use Only (OUO) documents (which frequently contains security related information) are provided to stakeholders determined to have a "need to know" and, in the case of classified and SGI, those cleared for that information. These documents are routinely provided to other Federal agencies, the Agreement States, the licensees or their representative, as appropriate, for information and comment. The documents are withheld from other stakeholders in order to protect sensitive information which may be helpful to potential adversaries. These documents may include, for example, guidance documents related to security rulemakings, new reactor security programs, and documents related to inspections, assessments, and procedures for the interpretation of security results. The comments received are evaluated and in some cases documents are changed to incorporate the comments. Typically, the comments also are marked Classified, SGI, or OUO, and are not made publicly available.
- The staff periodically interacts with applicants regarding draft Requests for Additional Information (RAIs). The purpose of sharing these draft RAIs is to ensure a common and consistent understanding of questions posed by the NRC staff as it relates to meeting the regulatory requirements for the associated licensing action. Comments other than those on

the clarity of the request are not requested. Each of those discussions with the applicant are documented and the documentation is publicly available in ADAMS and is part of the licensing file for the attendant action.

- Draft minutes from public meetings are sometimes sent to stakeholders to ensure accuracy/clarity. While participant's comments may be considered, there is no requirement that suggested changes be incorporated in the final minutes.

Question 8. Does the NRC plan to make changes to the two RIS based upon NEI's lone comments on these documents, or will the NRC now offer other stakeholders the opportunity to comment before finalizing the documents? Did the NRC make NEI's comments on the documents publicly available? If so, how? If the agency has finalized the documents without affording others the opportunity to comment, for each substantive change suggested by NEI and adopted by the NRC, explain the rationale for accepting the comment and making the change.

Answer 8.

The NRC provided all stakeholders the opportunity to comment on the two draft RISs as discussed in response to question 1. The NRC made changes to RIS-2008-10 in response to verbal comments made during the public meeting on March 14, 2008, and subsequent written comments submitted by NEI, prior to issuance of the RIS on May 13, 2008. Upon receipt, the NRC made NEI's written comments on the RIS publicly available through the ADAMS system. The NRC has incorporated some changes to RIS-2008-10, Supplement 1, in response to verbal comments made during the public meeting on September 3, 2008. The supplemental draft RIS has been posted to the Documents for Comment webpage. The NRC has not finalized it. The public comment period closed on November 21, 2008.

Question 9. What steps does the NRC plan to take to ensure that, in the future, if the agency seeks comments on a public document that the invitation is an open invitation to all of the agency's stakeholders rather than a selective invitation to the industry? Does the agency plan to formalize its public participation process in a manner that might prevent future instances of mistakes or miscommunications? If so, when does the agency plan to have such a process in place?

Answer 9.

Public involvement in the NRC's activities is a cornerstone of strong, fair, transparent regulation of the nuclear industry. The NRC recognizes the public's interest in the proper regulation of nuclear activities and provides opportunities for citizens to make their opinions known. The NRC elicits public involvement early in the regulatory process so that safety, security, and environmental concerns that may affect a community can be resolved in a timely and practical manner. Because the NRC considers this process to be vital to assuring the public that the

NRC is making sound decisions, the NRC has developed a robust public participation process. Recently, the NRC has enhanced its ability to communicate with stakeholders by implementing a list server system that allows stakeholders to receive news and information about the issues they have an interest in. This system provides automatic notices by e-mail to stakeholders whenever a document within their area of interest is released.

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-07-06

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings"

Purpose: Directive and Handbook 3.5 are being revised to incorporate administrative corrections and clarifications. Under Organizational Responsibilities and Delegations of Authority, office directors and regional administrators must ensure that notices of staff meetings open to the public are posted on the Public Meeting Schedule on the NRC's external Web site no less than 10 calendar days in advance of the meeting date. Meeting summaries should now be prepared and issued within 30 working days. Public Meeting Feedback Forms should be reviewed as received, followup performed, and data entered into the Public Meeting Feedback System.

Office of Origin: Office of Information Services

Contact: Sandra Northern, 301-415-6879

Date Approved: December 9, 2003 (**Revised: April 10, 2007**)

Volume: 3 Mail Management

Part: 1 Publications, Mail, and Information Disclosure

Directive: 3.5 Attendance at NRC Staff Sponsored Meetings

Availability: Rulemaking, Directives, and Editing Branch
Office of Administration
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Attendance at NRC
Staff Sponsored
Meetings

Directive
3.5

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U. S. Nuclear Regulatory Commission

Volume: 3 Information Management

Part: 1 Publications, Mail, and Information
Disclosure

OIS

Attendance at NRC Staff Sponsored Meetings Directive 3.5

Policy (3.5-01)

In furtherance of the Commission's intent to keep concerned citizens informed of agency activities, it is the policy of the U.S. Nuclear Regulatory Commission that certain meetings between the staff of the NRC and external stakeholders be open to attendance by all members of the general public in accordance with Part I of Handbook 3.5. This directive does not supersede the responsibility of the NRC staff to notify parties to NRC proceedings about meetings that are open to public attendance.

Objectives (3.5-02)

- To ensure that members of the public have the opportunity to enhance their understanding of the agency's regulatory process through attendance at, and/or participation in, the agency's public meetings with applicants, licensees, and others. (021)
- To ensure that all public meetings are noticed in a timely manner and to inform interested stakeholders about NRC's meetings. (022)

Objectives

(3.5-02) (continued)

- To balance the NRC's objective of openness and the public's interest in attending or participating in NRC meetings against the need for the NRC staff to exercise its regulatory and safety responsibilities without undue administrative burden. (023)

Organizational Responsibilities and Delegations of Authority

(3.5-03)

Commission
(031)

Establishes policy regarding public participation at meetings conducted by the NRC staff.

Executive Director for Operations (EDO)
(032)

Ensures that policy is implemented regarding public participation at meetings sponsored and conducted by the NRC staff.

Director, Office of Information Services (OIS)
(033)

Develops and administers a program for the receipt and dissemination of information on public meetings through the Public Meeting Notice System.

Director, Office of Public Affairs (OPA)
(034)

- Ensures that the OPA staff consults with the regional administrator or the office director in certain significant cases of high public interest to determine whether it is appropriate to

Organizational Responsibilities and
Delegations of Authority
(3.5-03) (continued)

Director, Office of Public Affairs (OPA)
(034) (continued)

allow public attendance or to hold a separate public meeting to discuss the results of an inspection or a review. (a)

- Issues a press release for meetings of high public interest. (b)

Office Directors and
Regional Administrators
(035)

- Ensure that the staff implement the procedures and guidance in Handbook 3.5 for public and nonpublic meetings. (a)
- Implement the policy in this directive for the receipt and dissemination of public meeting notices. (b)
- Inform or make recommendations on the need for public meetings, as appropriate, to the EDO or Deputy Executive Directors when significant NRC activities are at the planning stage. (c)
- Ensure that notices of staff meetings open to the public are posted on the Public Meeting Schedule on the NRC's external Web site no less than 10 calendar days in advance of the meeting date. (d)

Applicability
(3.5-04)

- The policy and guidance in this directive and handbook apply to all NRC employees. (041)

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Attendance at NRC Staff Sponsored Meetings
Directive 3.5

Applicability

(3.5-04) (continued)

- This directive does not apply to the Commission or to offices that report directly to the Commission. (See Part I, Section B, of Handbook 3.5.) (042)
- This directive does not apply to or supersede any existing law, rule, or regulation that addresses public attendance at a specific type of meeting. (043)

Handbook

(3.5-05)

Handbook 3.5—

- Defines types of agency meetings open to the public for participation with examples of both open and closed meetings. (1)
- Describes the means by which the public may learn when agency open meetings are being held. (2)
- Provides procedures and guidance for planning, scheduling, noticing, announcing, and documenting public and nonpublic meetings. (3)

References

(3.5-06)

Code of Federal Regulations

“Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” 10 CFR Part 2.

“Public Inspections, Exemptions, Requests for Withholding,” 10 CFR 2.390.

References

(3.5-06) (continued)

“Advisory Committees,” 10 CFR Part 7.

“Public Records,” 10 CFR Part 9.

“Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants,” 10 CFR Part 52.

“Requirements for the Protection of Safeguards Information,” 10 CFR 73.21.

Federal Register Notice

“Enhancing Public Participation in NRC Meetings; Policy Statement” (May 28, 2002, 67 FR 36920).

U.S. Nuclear Regulatory Commission

NRC Management Directives

8.11, “Review Process for 10 CFR 2.206 Petitions.”

12.6, “NRC Sensitive Unclassified Information Security Program.”

United States Code

Atomic Energy Act (42 U.S.C. 2011 et seq.), Section 147.

Federal Advisory Committee Act (5 U.S.C., Appendix I).

The Government in the Sunshine Act (5 U.S.C. 552b).

Attendance at NRC
Staff Sponsored
Meetings

Handbook

3.5

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Part I

Definition of a Public Meeting

Public Meeting (A)

NRC has a long history of providing the public information on its activities and of conducting business in an open manner. NRC staff has held meetings with interested members of the public on a variety of issues, often in response to expressions of high public interest. Such meetings can enhance the public's confidence in NRC and help clarify concerns before any decisions are made. Both the NRC and the public will benefit if the need for meetings with the public is considered early in the process. (1)

A public meeting is a planned, formal interaction open to public observation and/or participation between one or more NRC staff members and one or more external stakeholders with the expressed intent of discussing substantive issues that are directly associated with NRC's regulatory and safety responsibilities. The term "public meeting" is traditionally associated with the Commission's efforts to provide information to the public and to seek public views on various generic and site-specific issues. These meetings are open to people with an interest in the subject matter and a willingness to follow the ground rules established for the conduct of the meeting. (2)

The NRC's public meeting policy sets forth a plan for categorizing meeting types that will provide a framework for enhancing public participation. The public will be notified of the category of the meeting, and thereby the level of participation to be anticipated, on the NRC's Public Meeting Schedule on its Web site at www.nrc.gov. Descriptions of the meeting categories appear later in this handbook. When portions of an otherwise open meeting will or may be closed to the public (e.g., to allow for the discussion of proprietary, Safeguards, personal privacy, or other information exempted under Section (B)(3) of this part), this information also

Public Meeting (A) (continued)

should be specified in the formal meeting notice and at the beginning of the meeting. (3)

An external stakeholder for the purposes of this management directive is any individual who is not— (4)

- An NRC employee (a)
- Under contract to NRC (b)
- Acting as an official consultant to NRC (c)
- Acting as an official representative of an agency of the executive, legislative, or judicial branch of the U.S. Government (except when the agency is subject to NRC regulatory oversight)* (d)
- Acting as an official representative of a foreign government (e)
- Acting as an official representative of a State or local government or tribal official (except when specific NRC licensing or regulatory matters are discussed) (f)

Scope of the Public Meeting

Policy (B)

The NRC's public meeting policy applies solely to NRC staff sponsored and conducted meetings and not to meetings conducted by outside entities in which NRC staff members might participate or attend as observers. The public meeting policy does not apply to Commission meetings, advisory committee meetings, or to meetings sponsored by offices that report directly to the Commission. This public meeting policy also does not apply to

*For instance, public access is provided to meetings between NRC staff and Department of Energy (DOE) staff during the prelicensing period with respect to DOE's submission of an application to construct and operate a geologic repository.

Scope of the Public Meeting

Policy (B) (continued)

meetings between NRC staff and representatives of State government relating to NRC Agreement State activities or to other State regulatory actions of general interest; that is, matters other than specific NRC licensing or regulatory actions involving specific licensees. Also the public meeting policy is not intended to apply to or to supersede any existing law, rule, or regulation that addresses public attendance at a specific type of meeting. For example, 10 CFR Part 7, "Advisory Committees," and 10 CFR Part 9, "Public Records," will continue to be applicable to advisory committee meetings and Commission meetings respectively. (1)

The public meeting policy does not cover the "hearings" associated with adjudicatory proceedings under the Commission's Rules of Practice specified in 10 CFR Part 2. The term "hearings" relates primarily to Commission adjudicatory proceedings on various types of licenses and licensing actions (e.g., initial issuance of a license, amendment of an existing license, renewal of a license) or to enforcement actions involving the imposition of civil penalties or orders to modify, suspend, or revoke a license or take other appropriate action. This policy also does not cover meetings concerning the settlement of issues pertaining to any proceeding or regarding enforcement matters. Specific requirements regarding participation in and the conduct of such hearings are provided in the Commission's Rules of Practice set out in 10 CFR Part 2. (2)

Meetings between the NRC staff and external stakeholders will be public meetings unless the NRC staff determines that the subject matter to be discussed— (3)

- Is specifically authorized by an Executive Order to be withheld in the interests of national defense or foreign policy (classified information); or is specifically exempted from public disclosure by statute (a)

Scope of the Public Meeting

Policy (B) (continued)

- Contains trade secrets and commercial or financial information (proprietary information as defined in 10 CFR 2.390) (b)
- Contains Safeguards Information or other protected information (c)
- Is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (d)
- Is related to a planned, ongoing, or completed investigation and/or contains information compiled for law enforcement purposes (e)
- Could result in the inappropriate disclosure and dissemination of preliminary, predecisional, or unverified information (f)
- Is a general information exchange having no direct, substantive connection to a specific NRC regulatory decision or action. However, if a meeting involving a general information exchange is closed and if discussions during such a meeting approach issues that might lead to a specific regulatory decision or action, the NRC staff may advise the meeting attendees that such matters cannot be discussed in a closed meeting and propose discussing the issues in a future open meeting. (g)
- Indicates that the administrative burden associated with public attendance at the meeting could result in interference with the NRC staff's execution of its safety and regulatory responsibilities, such as when the meeting is an integral part of the execution of the NRC inspection program. (h)

It is important to note that whether a meeting should be open for public attendance is dependent primarily on the subject matter to be discussed, not on who outside nor who within the NRC staff is participating (e.g., staff level versus senior management). (4)

Scope of the Public Meeting

Policy (B) (continued)

Also note that meetings between staff and licensees or trade groups to discuss technical issues or licensee performance would normally be open because they may lead to a specific regulatory decision or action. (5)

Public Participation in NRC Meetings (C)

To strengthen NRC's communication, the agency has specified three categories of public meetings the agency may convene and has developed criteria for the level of public participation, information availability, and followup effort associated with each meeting category. The extent of known public interest in the meeting or activity and the objective of the meeting insofar as public involvement is concerned will be considered by the staff when assigning a meeting to an appropriate category. The description, purpose, and levels of public participation for each category of meeting are described below.

Category 1

Description. Meetings in this category are typically held with one licensee, vendor, applicant, or potential applicant to discuss particular regulatory issues regarding its specific facility (or facilities), certificate of compliance, license, or license application.

Meeting Purpose. The purpose of this type of meeting is to discuss one particular facility or site, or certified system or device, with an applicant or a licensee regarding, for example, technical issues in an application, licensee actions, or inspection results. At this type of meeting, NRC anticipates that the public would obtain factual information to assist in understanding applicable regulatory issues and NRC actions.

Examples. Examples of this type of meeting could include meetings to discuss inspection results or licensee performance,

Public Participation in NRC Meetings (C) (continued)

regulatory conferences, meetings held before restarting of a facility, as well as meetings held on licensing actions (or applications), renewals and amendments, new facilities, away-from-reactor storage sites, large or complex fuel cycle facilities, or waste disposal sites. Certain inspection exit meetings, such as those for Incident Investigation Teams, Augmented Inspection Teams, or others as appropriate, would also be included in this category.

Level of Public Participation. The public is invited to observe the meeting and will have the opportunity to communicate with the NRC after the business portion of the meeting but before the meeting is adjourned. This plan does not preclude the licensee from responding to questions if it chooses to do so.

For meetings longer than 2 hours, one or more opportunities may be provided for the public to ask questions before the end of the meeting, if practicable. In advance of the meeting, members of the public may request, by e-mail or telephone, that the meeting coordinator consider changing the meeting to a Category 2 meeting (discussed below), depending on the level of public interest in the activity being discussed. Meetings that the staff believes will generate high public interest should also provide more than one opportunity for public comments and questions. The decision on whether to change the category of any particular meeting is a matter left to the discretion of the staff on a case-by-case basis.

Types of Information. At a minimum, an agenda or a list of items to be discussed will be entered into the Agencywide Documents Access and Management System (ADAMS) following the instructions in ADAMS Template Number NRC-001, Meeting Related Documents for NRC Staff Level Offices. The ADAMS document accession number should be provided in the meeting notice that is posted on NRC's external public Web site for access to any primary or background documents.

Public Participation in NRC Meetings (C) (continued)

Followup. No formal followup will be provided beyond the normal period for questions. Informal followup (telephone or e-mail) may be appropriate for certain questions that cannot be answered at the meeting. Members of the public also have the option of writing or e-mailing the staff about particular concerns. These concerns will be considered by the staff as it deliberates on the issue. Feedback forms would also be provided at this type of meeting so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate. Meeting summaries and participant lists will be entered into ADAMS and made publicly available following the instructions in ADAMS Template Number NRC-001.

Category 2

Description. Meetings in this category are typically held with a group of industry representatives, licensees, vendors, or non-Government organizations.

Meeting Purpose. The purpose of this type of meeting is for NRC to obtain feedback from the regulated community and other external stakeholders on issues that could potentially affect more than one licensee. At this type of meeting, NRC anticipates that the public would obtain factual information and provide the agency with feedback on the analysis of the issues, alternatives, and/or decisions.

Examples. This type of meeting includes task force groups, industry groups (such as the Nuclear Energy Institute or owners groups), or public interest and citizen groups that focus on issues that could apply to several facilities, such as plant system aging, license renewal, decommissioning, or spent fuel storage.

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

Public Participation in NRC Meetings (C) (continued)

provided for the public to ask questions and provide comments at a meeting of this type than at a Category 1 meeting.

Types of Information. An agenda, names of participants, and when available, background documents will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001. A Web page with links to other appropriate background information will be made available at NRC's discretion. Any link to a Web page will be posted on the public Web site.

Followup. Staff will provide answers to questions, as appropriate, during the meeting. Questions that cannot be answered at the meeting will be assigned to a designated staff person as an action item. Meeting summaries or any transcripts and participant lists will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001 and on the Web, if a Web site is established. Feedback forms will be provided as they are in Category 1 meetings so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate.

Category 3

Description. This type of meeting would be held with representatives of non-Government organizations, private citizens or interested parties, or various businesses or industries (other than those covered under Category 2) to fully engage them in a discussion of regulatory issues.

Meeting Purpose. The purpose of this type of meeting is to maximize discussions with the public to ensure that their issues and concerns are presented, understood, and considered by NRC. NRC anticipates that the public would work with the agency to facilitate the widest exchange of information, views, concerns, and suggestions with regard to license-specific or generic regulatory issues.

Public Participation in NRC Meetings (C) (continued)

Examples. Examples of this type of meeting might include town hall or roundtable discussions, Environmental Impact Statement scoping meetings, workshops, the Regulatory Information Conference, the Nuclear Safety Research Conference, or proposed rulemaking meetings.

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.

Types of Information. An agenda, names of participants, and background documents will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001. In addition, a Web page will be created on which all relevant documents for the meeting will be posted. The ADAMS accession number and a link to the required Web page will be posted to the NRC external public Web site.

Followup. Staff followup is similar to that of Category 2, but meeting summaries or transcripts and participant lists will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001. Feedback forms will also be provided at this level of meeting.

Examples and Scenarios of Staff Meetings (D)

The following examples and scenarios of meetings that are typically open or typically closed to public attendance are not intended to be all-inclusive but rather to establish a thought process that can be used to make decisions on any meeting scenario. Staff should refer to the scope of the public meeting policy (Part I, Section (B)) when categorizing any of the following

Examples and Scenarios of Staff Meetings (D) (continued)

examples or scenarios of open meetings. Guidance also is given on when the staff should initiate meetings with the public.

Meetings Typically Open to the Public (1)

The following examples of meetings between the staff and licensees, applicants, industry representatives, intervenors, or petitioners are typically open to the public for participation.

Staff Meetings With Licensees or Applicants Relating to Licensing Issues (a)

A meeting conducted by the NRC technical staff with applicants or licensees as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to all parties or petitioners for leave to intervene in the case and, to the extent space is available, to interested members of the public.

Staff Meetings With Parties or Petitioners With Leave To Intervene in a Case (b)

A meeting conducted between the NRC technical staff and other parties or petitioners with leave to intervene in a case regarding the staff's review of the licensing action will be open to applicants or licensees and, to the extent space is available, to interested members of the public.

Headquarters and Regional Staff Working-Level Meetings With Licensees (c)

Representatives of a utility licensed to operate a nuclear power plant may request the opportunity to hold a "working-level" meeting with the NRC Headquarters or regional staff to provide

Examples and Scenarios of Staff Meetings (D) (continued)

Meetings Typically Open to the Public (1) (continued)

the staff with additional technical information related to a proposed license amendment the staff is reviewing. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action, this meeting should be a public meeting.

Facility Shutdown and Restart Meetings (d)

The NRC staff has issued an order shutting down a nuclear power plant because of potential safety concerns. Representatives of the utility licensed to operate the facility request a meeting with several NRC staff to discuss the actions they have taken to address the staff's concerns, as well as to discuss possible restart of the facility. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action (proposed restart of the facility), this meeting should be a public meeting. In this case, it also may be necessary to obtain alternate meeting space away from the site to support public attendance.

Incident Investigation and Augmented Inspection Team Exit Meetings (e)

In reaction to an event at a nuclear power plant, the NRC establishes an Incident Investigation Team (IIT) or an Augmented Inspection Team (AIT) to thoroughly evaluate the situation at the site. Upon completion of the evaluation, an exit meeting is held with the licensee to discuss the team's findings. The exit meetings for IITs and AITs normally will be open to the public unless the Executive Director for Operations (EDO) (in the case of an IIT) or the appropriate regional administrator (in the case of an AIT), in consultation with the Director of the Office of Public Affairs, decides the criteria contained in this guidance indicate it is

Examples and Scenarios of
Staff Meetings (D) (continued)

Meetings Typically Open to the Public (1) (continued)

appropriate to have a closed meeting. Alternatively, in connection with AIT public meetings or IIT public meetings, the EDO or the regional administrator may decide it is more appropriate to hold a separate public meeting and/or a press conference in lieu of the public exit meeting with the licensee.

Staff Meetings With a Nuclear Steam Supply System Vendor on Confirmatory Research for the Vendor's Application for Design Certification (f)

NRC officials wish to meet with representatives of a nuclear steam supply system (NSSS) vendor and representatives of a foreign government to discuss the specific confirmatory research related to the vendor's application for design certification under 10 CFR Part 52 that will need to be performed. The confirmatory research will influence the NRC staff's design certification review. Although a meeting with representatives of a foreign government would not need to be a public meeting, a meeting with representatives of the vendor would, and thus this meeting should be a public meeting.

Nuclear Energy Institute (g)

Representatives of the Nuclear Energy Institute (NEI) wish to meet with several NRC staff to discuss the proposed staff position delineated in a draft generic letter. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action (development and adoption of a proposed staff position), this meeting should be a public meeting.

Examples and Scenarios of
Staff Meetings (D) (continued)

Meetings Typically Open to the Public (1) (continued)

Management Meetings Between the Office of Nuclear Material Safety and Safeguards (NMSS) and DOE/Office of Civilian Radioactive Waste Management (OCRWM) (h)

Scheduled interactions at the management level are held whenever necessary to discuss programmatic issues related to program policy, schedules, and major assignments of resources within DOE's repository program. Any commitments made by DOE or NRC managers in these meetings are to be documented in correspondence that is publicly available. These meetings are subject to the "NRC Policy Statement on Staff Meetings Open to the Public" whether conducted by NRC or DOE. Representatives from the State of Nevada, affected units of local government, any affected Indian tribes, and the public and other interested parties may participate in these management meetings consistent with security access, logistical arrangements, and safety rules. Such representatives may provide comments at the opening and the ending of the meeting.

Technical Exchanges Between NMSS and DOE/OCRWM (i)

Scheduled interactions between DOE/OCRWM and NRC technical/licensing staff focus primarily on technical or regulatory issues. They are intended to be staff-to-staff interactions, with respective contractor staff included as needed. Technical exchanges may be the forum for gaining an understanding and discussing technical or regulatory issues and the acceptability of actions on the part of both agencies. They cannot be used to officially establish or change positions or make commitments. These meetings are subject to the "NRC Policy Statement on Staff Meetings Open to the Public" whether conducted by NRC or DOE. Representatives from the State of Nevada, affected units of local government, any affected Indian tribes, and the public and other

Examples and Scenarios of Staff Meetings (D) (continued)

Meetings Typically Open to the Public (1) (continued)

interested parties may observe these technical exchanges consistent with security access, logistical arrangements, and safety rules. Such representatives may provide comments at the opening and the ending of the meeting.

Meetings Typically Closed to the Public (2)

Meetings or portions of meetings where Safeguards Information, proprietary information, or other sensitive information is discussed are closed to the public. The following meetings are examples of meetings between the staff and licensees, contractors, or others that are closed to the public because of the nature of the meeting.*

Inspector Meetings With Licensee Management and Technical Staff (a)

The senior resident inspector and the resident inspector at a nuclear power plant may hold short meetings as needed with the plant manager to discuss activities at the facility. Because arranging for public attendance at these types of meetings would place an undue administrative burden (such as establishing access authorization to the protected area for members of the public) on the licensee and inspectors and would substantially

*NRC employees are allowed to attend closed meetings that are sponsored by vendors, applicants, or licensees. However, those meetings should be limited to a general exchange of releasable information that is or will be made publicly available, and no direct, substantive connection to a specific NRC regulatory decision, contract requirement, or action should be made, nor should any predecisional information on a pending NRC matter be revealed. NRC employees should not accept meals or other gifts from these sources, unless allowed under the standards of conduct, nor should they appear to endorse the views, services, or products of the vendors, applicants, or licensees. During these meetings, NRC employees should not make any commitments or promises, nor should they sign any agreements, including confidentiality agreements, with any of the vendors, applicants, or licensees.

Examples and Scenarios of Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

interfere with their safety and regulatory responsibilities, these types of meetings do not need to be public meetings. Similarly, Headquarters and regional inspectors evaluating a specific discipline will meet with licensee management and technical staff to discuss current program status and issues. Because these meetings are considered an integral part of the NRC's inspection effort, they are not open to the public.

Communications Between NRC's Onsite Representatives for the Repository Project Before Licensing (b)

Routine communications between NRC's onsite representative (OR), including any NRC personnel assigned to the OR, and DOE and its contractor personnel are normally not announced or open to the public. The NRC has determined that the administrative burden associated with public attendance at these meetings could interfere with the staff's execution of its safety and regulatory responsibilities. At the discretion of DOE and NRC, external parties may be notified and invited to observe these meetings and field trips subject to identification requirements and compliance with applicable access control measures for security, radiological protection, and personnel safety. Onsite representatives may not establish or alter policy decisions or commitments during these interactions.

"Drop-In" Meetings or Similar Management Meetings (c)

Senior executives of a licensee or a potential applicant request the opportunity to conduct a "drop-in" visit or similar management meeting with the EDO, with other senior managers at agency headquarters, or with senior managers of the region in which their facility is located. Because these visits or meetings typically consist of a general exchange of information not directly related

Examples and Scenarios of
Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

to any regulatory action or decision, they would not typically be public meetings.

Budget Meetings With Officials From the Office of Management and Budget (d)

Officials from the Office of Management and Budget (OMB) wish to meet with NRC officials to discuss the NRC's proposed budget for the next fiscal year. Because the OMB officials are acting in their official capacity as representatives of the executive branch and are not considered "external stakeholders" in the definition of a public meeting, this meeting would not be a public meeting.

Staff Meetings With a Vendor for a Nuclear Steam Supply System (NSSS) About a Schedule for Application Submissions (e)

Several NRC staff wish to meet with an NSSS vendor at the vendor's office to discuss the vendor's application for design certification under 10 CFR Part 52. The NRC staff wishes to discuss the time frame and schedule for submission of certain portions of the application, as well as the impact the vendor's failure to meet these deadlines would have on the NRC staff's review of the application. The NRC staff does not wish to discuss any technical or safety issues associated with the application. Because these discussions are not an information exchange related to any substantive issues associated with NRC's regulatory and safety responsibilities, this meeting would not be a public meeting.

Staff Meetings With NRC Contractors (f)

NRC officials wish to meet with representatives of an organization under contract to NRC to perform confirmatory research related to

Examples and Scenarios of Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

an advanced light-water reactor design certification application. Because the organization is not an external stakeholder (since it is under contract to NRC), this meeting would not be a public meeting.

Staff Meeting With an Allegor of Wrongdoing (g)

Several NRC officials wish to meet and interview a member of the public or an employee of an organization licensed by NRC to possess certain types of radioactive materials regarding the individual's allegations of wrongdoing by the organization. Because the discussions are related to potential or ongoing investigatory activities, this meeting would not be a public meeting.

Routine Inspection Exit Meetings (h)

Upon conclusion of an inspection, NRC inspectors meet and discuss with the licensee of a nuclear power plant the preliminary results of their inspection activities (an exit meeting). Because the inspectors' findings are preliminary in that they are subject to NRC management review, open meetings could result in the inappropriate disclosure of preliminary, unverified information. Therefore, routine inspection exit meetings are generally not open to public attendance. Attendance at the exit meeting by representatives of Agreement States or adjacent States, for example, would be governed by the policy agreed to by a specific State and the NRC concerning attendance by such representatives.*

*In certain significant cases of high public interest, the regional administrator or the office director, in consultation with the Director of the Office of Public Affairs, may decide it is appropriate to allow public attendance or to have a separate public meeting to discuss the results of the inspection or review.

Examples and Scenarios of
Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

Fitness-for-Duty Meetings (i)

NRC officials wish to meet with representatives of a utility licensed to operate a nuclear power plant to discuss preliminary information regarding the fitness for duty of a specific licensed reactor operator. This meeting would not be a public meeting because public discussion of the licensed individual could be an invasion of personal privacy.

Staff Review Visits to Licensee Corporate and Plant Facilities (j)

A reviewer from the Office of Nuclear Reactor Regulation (NRR) is visiting the utility corporate office to examine design calculations before writing the safety evaluation report. As a followup, the reviewer visits the site the following week to review the in-plant design implementation. Because the timing of the exit interview is fluid based on licensee activities and/or sufficient development by NRC of any NRC findings, opening the meeting to the public would constitute an undue administrative burden.*

Project Manager and Regional Staff Meeting With the Licensee Following System Modification Problems (k)

A licensee performed a modification on its unit's rod control system, which was not reviewed nor required to be reviewed by the NRC staff. During postmodification testing, some problems were encountered. The NRC inspection staff learns of problems

*In certain significant cases of high public interest, the regional administrator or the office director, in consultation with the Director of the Office of Public Affairs, may decide it is appropriate to allow public attendance or to have a separate public meeting to discuss the results of the inspection or review.

Examples and Scenarios of
Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

with both the hardware and the test procedure and discusses the concerns with NRC management. The NRR project manager and regional management decide that they need to meet with licensee management to discuss NRC's concerns regarding problems with the modification and testing. This meeting need not be open to the public because the NRC concerns are based on preliminary, unverified information.

Regional Management Meeting With the Licensee Regarding Preliminary Calculations (l)

During a design basis reconstitution effort, a licensee determines through preliminary calculations that in the past its service water system (ultimate heat sink) may not have been able to provide design basis flow to all heat loads under accident conditions. The licensee verbally informs NRC of the potential past problem. Current test results demonstrate that the system is operable. The computer modelling required to determine if the system had, in the past, been inoperable is complex and will take 1 month to complete. Regional management and technical experts meet with the licensee to better understand the problem, its consequences, and the ongoing evaluation. This meeting is not open to the public because it could result in the release of preliminary, unverified information.

NRC Management Visit to a Licensee Facility (m)

An NRC manager may visit a facility on short notice or without any notice for purposes other than meeting with licensee officials. These purposes may include but are not limited to monitoring and assessing the performance of NRC subordinates, touring the facility, or independently assessing licensee performance. During such a trip, the manager may visit licensee officials and discuss

Examples and Scenarios of Staff Meetings (D) (continued)

Meetings Typically Closed to the Public (2) (continued)

substantive regulatory issues with them. Opening such a meeting to the public would constitute an undue administrative burden and could impede the efficient execution of the NRC's safety and regulatory responsibilities.

Meetings With Licensee Management or Vendors To Discuss Proprietary Information (n)

To make an informed decision regarding closing a meeting because of the proprietary nature of the material to be discussed, the staff should require the licensee, the vendor, or the industry group to provide a copy of the material, including a 10 CFR 2.390 affidavit, to the staff at least 30 days before the meeting. The staff should review the material and make a preliminary decision on the proprietary nature of the material before deciding whether to close the meeting to the public. The NRC staff should also require the licensee, vendor, or industry group to provide a 10 CFR 2.390 affidavit for any meeting for which they want to restrict public access and at which no written material will be presented but rather only verbal information of a 10 CFR 2.390 nature.

Initiating Meetings Between the NRC Staff and the Public (E)

Each office director and regional administrator should be cognizant of the fact that under appropriate circumstances, meetings with the public should be initiated. Recommendations regarding meetings with the public should be made, as appropriate, to the EDO or a Deputy Executive Director when significant NRC activities are at the planning stage. (1)

Meetings with the public should be initiated under the following circumstances: (2)

Initiating Meetings Between the NRC Staff and the Public (E) (continued)

Strong Public or Media Interest (a)

Through correspondence, news stories, or other means of communication, including the number or nature of comments in response to a notice on a proposed action, members of the public have expressed significant interest in a particular action being reviewed by the NRC staff.

Local Community Groups (b)

Local community groups have expressed interest in current or past NRC actions involving a facility, for example, letters to the agency, past hearings on a facility, or related 10 CFR 2.206 petitions. (Guidance related to conduct of informal public hearings regarding a 2.206 petition currently being reviewed by the NRC staff can be found in Handbook 8.11, "Review Process for 10 CFR 2.206 Petitions," Part II.)

Government Official Interest (c)

Members of Congress or officials of State or local government have expressed interest on behalf of their constituents and have requested a meeting or other public outreach effort.

Previous Public Interest (d)

Earlier public interest was expressed at the subject facility or at other facilities on similar issues involved in making a licensing determination, such as license renewal or a decommissioning decision.

Safety Significance (e)

Significant public interest may be anticipated for issues involving safety, such as the aftermath of a significant plant event.

Initiating Meetings Between the
NRC Staff and the Public (E) (continued)

Anticipated Interest in Significant NRC Activity (f)

NRC expects a significant NRC activity or a pending decision, such as the entrance or exit interview of a major team inspection, approval of the restart of a facility, or issuance of an order, to generate significant public interest and response.

Part II
Procedures for Public Access to Audio
Teleconference and Video
Teleconference (VTC) Links to Public Meetings

Audio Teleconference (A)

Audio teleconferencing may be requested by external stakeholders to the extent that travel to a meeting is considered difficult. Requests for audio teleconferencing, if not prearranged when the meeting is scheduled, should be made directly to the meeting contact listed on the Public Meeting Schedule located on the NRC's external Web site. Such requests may be granted to the extent budget resources are available and technical requirements can be accommodated. Scheduling of an audio teleconference should be done as soon as possible but no later than 5 business days before the scheduled meeting. The number of telephone participants should be limited to 30 lines or less to avoid adversely affecting other agency audio teleconference users. When more than 30 lines are required, special arrangements will be made. (1)

When public access to a meeting is being provided through audio teleconferencing, the staff will— (2)

- Call the NRC Operator to make the audio teleconference reservation. (a)
- Ensure that the meeting notice on the Public Meeting Schedule indicates that audio teleconferencing is being offered. (b)
- Coordinate with the facility manager for an offsite meeting in advance to ensure that reliable audio equipment is available. (c)

Audio Teleconference (A) (continued)

- Reserve a portable audio teleconference unit for the designated meeting location. (d)
- Notify the NRC Operator whenever there is a change in the audio teleconference reservation information (e.g., date, duration, number of participants). (e)

Changes will be accepted only from the individual who made the reservation.

- Ensure that all audio teleconference participants are provided the date, time, duration, telephone numbers, and passcode in advance of the meeting. (f)
- Not disseminate the passcode on the external Web site nor publish it in the meeting notice in order to control the number of audio teleconference participants. (g)

Video Teleconference (VTC) (B)

If a VTC link is needed to enable remote NRC participation in a public meeting as defined in this handbook, provisions normally should be made in advance to provide members of the public with the opportunity to observe the meeting at the remote location. (1)

Providing the public the opportunity to observe public meetings at remote locations is intended to improve public access to these meetings with minimum additional cost to the agency and does not change NRC's policy for determining which meetings should be open to public observation or preclude the agency's ability to utilize video teleconferencing on an emergent basis in order to achieve its mission or needs. (2)

Extraordinary measures are not required to be taken to provide for remote public observation of public meetings when suitable NRC facilities are not available. (3)

Video Teleconference (VTC) (B) (continued)

When public access to remote public meetings is provided through video teleconferencing, the staff will— (4)

- Select larger conference rooms, if available, that have the necessary technical connections and easy public access to avoid additional security issues. Discussions involving staff only or staff and licensee/vendor only may be necessary during some meetings; plans should be in place to provide for these caucuses. For example, at Headquarters, members of the public could be asked to wait in public areas while an NRC caucus is conducted. (a)
- Ensure that the room and VTC equipment are arranged to promote maximum communication between meeting participants. (b)
- Ensure that meeting materials are available to members of the public who have notified the coordinator that they intend to observe the meeting at the remote location. (c)
- Ensure that staff is available to respond to questions from members of the public following public meetings whenever possible. The responsibility for answering public questions at both locations should be preplanned. For example, the VTC link could be left open following the public meeting to allow the public at the remote location to ask questions of the lead NRC official at the meeting. (d)

Detailed instructions for making audio teleconference and VTC arrangements can be located at the “Communications and Public Meeting” page on the NRC’s internal Web site. (5)

Part III

Scheduling and Announcing Meetings

Formal Notice of Public Meetings (A)

Meeting announcement information will be provided to the public as soon as the staff is reasonably confident that a meeting will be held and firm date, time, and facility arrangements have been made. Generally, this information will be available no fewer than 10 calendar days before the meeting. When a meeting must be scheduled but cannot be announced 10 calendar days in advance, the staff will provide as much advance notice as possible. (1)

Meetings will be announced to the public via the Internet from the NRC external Web site. Members of the public who cannot access the NRC Web site can contact the NRC Public Document Room staff via a toll-free number (1-800-397-4209) for information on scheduled NRC meetings. (2)

Scheduling a Meeting (B)

- Define the purpose and subject of the meeting. (1)
- Identify whether any classified, proprietary, or protected information will be discussed. (2)
 - Whenever such information is scheduled to be discussed during a meeting, that portion of the meeting must be closed to the public. This requirement must be noted on the meeting notice and reiterated again at the beginning of the meeting. Staff should inform attendees that when proprietary information is being discussed, the owner of such information determines who may have access to it. Consequently, the agency has to comply with that owner's determination regarding access, which may result in certain

Scheduling a Meeting (B) (continued)

members of the public being precluded from attending the closed portion of the meeting. (a)

- For guidance on classified, protected, or proprietary information or sensitive unclassified information, the staff should reference the following: (b)
 - Management Directive 12.6, “NRC Sensitive Unclassified Information Security Program” (i)
 - “Public Inspections, Exemptions, Requests for Withholding,” 10 CFR 2.390 (ii)
 - “Requirements for the Protection of Safeguards Information,” 10 CFR 73.21 (iii)
 - Atomic Energy Act (42 U.S.C. 2011 et seq.), Section 147 (iv)
- Identify meeting participants (internal and external). (3)
 - Identify speakers, facilitators, assistants, and so on. (a)
 - Include stakeholders with an interest in the meeting subject. (b)
 - Include known local interest groups. (c)
- Select a meeting date and time. (4)
- Select a meeting location. (5)

Refer to “Communications and Public Meetings” on the NRC’s internal Web page for guidance on reserving a room.

- Identify the meeting category. (6)

Scheduling a Meeting (B) (continued)

Refer to Part I, Section (C), for the description, purpose, and levels of public participation for each meeting category.

- Prepare a meeting agenda. (7)
- Make special arrangements (if needed). (8)
 - Audio teleconferencing (a)
 - Video teleconferencing (b)
 - Court reporter (c)

Instructions for scheduling these arrangements can be found at “Communications and Public Meetings” on the NRC’s internal Web page.

Procedures for Noticing Meetings (C)

Public (Open) Meetings (1)

Notices of meetings are posted on the NRC's Public Meeting Schedule on the external Web by e-mailing the ADAMS document pointer or ADAMS accession number to the Office of Information Services (OIS) at PMNS@nrc.gov. (a)

Upon receipt by the OIS staff, information from a meeting notice is then entered into the Public Meeting Notice System and posted on the Public Meeting Schedule within 24 hours or no later than the next scheduled workday. It may not be possible to post a meeting notice e-mailed to PMNS in the afternoon until the next scheduled workday. A meeting notice must be declared as an official agency record in ADAMS and replicated to the public server before it is e-mailed to PMNS or it will not be accepted by the OIS staff for posting on the external Web. A meeting notice

Procedures for Noticing
Meetings (C) (continued)

Public (Open) Meetings (1) (continued)

should be e-mailed to PMNS far enough in advance to be posted on the Public Meeting Schedule no less than 10 calendar days in advance of the meeting date. (b)

A copy of the meeting notice should also be provided to the Office of Public Affairs (OPA). (c)

A meeting notice should contain the following information: (d)

- Whether the notice involves a newly scheduled, revised, or canceled meeting. (i)
- Meeting contact name, telephone number, and e-mail address. (ii)

The meeting contact serves as an agency point of contact for meeting participants, both before and during a meeting. Generally, this individual is a member of the NRC office holding the meeting. The meeting contact is responsible for making all necessary arrangements for the meeting and for ensuring that meeting notices or press releases indicate the availability of any services offered (i.e., audio teleconferencing).

- **Meeting Category.** Select and include one of the following statements in the meeting notice: (iii)
 - This is a **Category 1** Meeting: The public is invited to observe this meeting and will have one or more opportunities to communicate with NRC after the business portion of the meeting but before the meeting is adjourned. (a)
 - This is a **Category 2** Meeting: The public is invited to participate in this meeting by discussing regulatory issues

Procedures for Noticing
Meetings (C) (continued)

Public (Open) Meetings (1) (continued)

with NRC at designated points identified on the agenda. (b)

- This is a **Category 3 Meeting**: Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues. (c)
- Whether any portion of the meeting will be closed to the public. Include the following statement in the meeting notice, completing it as appropriate: (iv)

“Certain portions of this meeting will be closed to the public because the staff has determined that the information (is proprietary in nature, contains Safeguards Information, etc.).”

- The date of the meeting and the beginning and, if known, the ending time of the meeting. (v)
- The location of the meeting, including organization or building name, street address, room number, city, and State. (vi)
- Audio teleconferencing, if available. (vii)
 - Bridge numbers and passcodes will not be posted on the NRC external public Web site. (a)
 - Include the following statement: (b)

“Interested members of the public can participate in this meeting via a toll-free audio teleconference. For details, please call the NRC meeting contact listed on the NRC Web site or call the NRC’s toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact (state the name of that individual).”

Procedures for Noticing
Meetings (C) (continued)

Public (Open) Meetings (1) (continued)

- The video teleconferencing location, if applicable, including building, street address, room number, city, and State, and the NRC video teleconference contact's full name and telephone number. (viii)

If video teleconferencing will be available, include the following statement:

“Remote public observation of this meeting will be allowed from (location of remote conference room); however, seating may be limited and will be assigned on a first-come basis. Contact (video teleconference coordinator) at (telephone number) indicating your intention to attend by (date). This step will ensure that sufficient copies of meeting materials are available. Some portions of the meeting may involve only NRC personnel and will be closed to public observation. Because meetings are sometimes canceled as a result of unforeseen circumstances, contact the coordinator to confirm that this meeting will occur as scheduled.”

- The purpose of the meeting (brief description). Include the following statement: (ix)

“The NRC’s Policy Statement, ‘Enhancing Public Participation in NRC Meetings,’ effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site, www.nrc.gov, and contains information regarding visitors and security.”

- Any comments. If applicable, insert all or portions of the following statements: (x)

“Seating may be limited and will be available on a first-come basis. Inform the NRC meeting contact of your

Procedures for Noticing
Meetings (C) (continued)

Public (Open) Meetings (1) (continued)

intention to attend by (date). This step will ensure that sufficient copies of meeting materials are available.” (a)

“The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting, or need this meeting notice or the transcript or other information from the meeting in another format (e.g., braille, large print), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.” (b)

“Because meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances, confirm the meeting schedule.” (c)

- Docket number(s) and/or facility name(s), if applicable. (xi)
- NRC office(s) participating (e.g., NRR, Region III, OGC). (xii)
- Outside organization(s) participating (e.g., Commonwealth Edison Company, Nuclear Energy Institute). (xiii)
- Accession numbers for ADAMS meeting agenda and meeting-related documents. (xiv)
- Link to Web page with additional meeting-related information/supporting documentation (required for Category 3 meetings). (xv)

The originator of a meeting notice must— (e)

Procedures for Noticing
Meetings (C) (continued)

Public (Open) Meetings (1) (continued)

- Ensure that all accession numbers, links, and/or Web addresses being referenced in the meeting notice are tested to ensure that they can be accessed by the public. (i)
- Ensure that the meeting notice, including the agenda and supporting documentation, is declared in ADAMS as official agency records following the guidelines provided in ADAMS Template NRC-001. (ii)
- Ensure that documents available for public comment are posted on the appropriate “Documents for Comment” page on the NRC’s public Web site. (iii)
- Ensure that notices of meetings are posted and that the information is accurate by checking the Public Meeting Schedule page located on the NRC’s public Web site. (iv)

Meetings scheduled with less than 10 calendar days of public notice must be approved by the appropriate management before the notice is submitted to the PMNS. (f)

Nonpublic (Closed) Meetings (2)

Notices for closed meetings should be prepared and entered into ADAMS as official agency records following the instructions provided in ADAMS Template Number NRC-001. (When profiling your closed meeting notice in ADAMS, be sure to include the word “closed” in the document title.) (a)

There is no requirement for submitting closed meeting notices to the PMNS. The PMNS only collects meeting information on public (open) meetings. (b)

A closed meeting notice should— (c)

Procedures for Noticing
Meetings (C) (continued)

Nonpublic (Closed) Meetings (2) (continued)

- Clearly state at the beginning of the notice that the meeting is closed to public attendance and the reason it is closed (e.g., Safeguards Information, proprietary information). (i)
- Indicate whether the notice involves a newly scheduled, revised, or canceled meeting. (ii)
- Provide the NRC meeting contact name, telephone number, and e-mail address. (iii)
- Indicate the date of the meeting and the beginning and, if known, the ending time of the meeting. (iv)
- Indicate the location of the meeting, including organization or building name, street address, room number, city, and State. (v)
- Provide information on audio teleconferencing or video teleconferencing, if applicable. (vi)
- Give the purpose of the meeting (brief description). (vii)
- Indicate the docket number(s) and/or facility name(s), if applicable. (viii)
- Indicate the NRC office(s) participating (e.g., NRR, Region III, OGC). (ix)
- Indicate the outside organization(s) participating (e.g., the Nuclear Energy Institute, Westinghouse). (x)
- Give the accession number for the ADAMS meeting package (includes meeting notice, agenda, meeting-related documents), as applicable. (xi)

Procedures for Noticing
Meetings (C) (continued)

Nonpublic (Closed) Meetings (2) (continued)

The staff are encouraged to prepare summaries of closed meetings and enter these summaries into ADAMS as official agency records following the instructions provided in ADAMS Template Number NRC-001. (d)

Identifying the Need for a Press
Release or an Advertisement
in the Newspaper (D)

Press releases are normally prepared for public meetings that generate a large amount of interest or are particularly controversial. (1)

If a public meeting merits a radio or a newspaper advertisement, the ad is paid for by the program offices supporting the meeting. Normally, ads are developed when there is a particular need to inform local citizens. Contact NRC's OPA for guidance. (2)

Meetings Not Properly Noticed (E)

If it is discovered before or during a public meeting that the meeting was not properly noticed, the following steps are to be taken:

- Promptly notify the appropriate office director. (Follow up with a memorandum to the office director and send a copy of the memorandum to the Chief of the Regional Operations and Program Management Staff, Office of the EDO, that explains the circumstances and corrective actions to be taken.) (1)
- Discuss the continuation of the meeting with division management. (A decision regarding continuation or postponement, as well as whether or not to limit the discussion

Meetings Not Properly Noticed (E) (continued)

to an exchange of information [no regulatory decisions to be made], will be made on a case-by-case basis.) (2)

Canceling/Rescheduling a Meeting (F)

If a public meeting must be canceled, send an e-mail to PMNS as soon as you are aware of the fact. This advance notice to the PMNS will allow the meeting notice to be marked “canceled” on the NRC’s external public Web site while the office goes through the process of issuing a meeting cancellation notice. (1)

If a public meeting must be rescheduled (including changes to date, time, or location), send an e-mail to PMNS as soon as you are aware of the fact. This advance notice to the PMNS will allow the meeting notice to be changed or corrected on the NRC’s external public Web site while the office goes through the process of issuing a rescheduled meeting notice. (2)

To create an official cancellation or reschedule notice for either a public or nonpublic meeting, copy the official meeting notice from ADAMS and save as a new document. Make necessary changes to the notice by striking out old information and placing revised information in **bold**. Mark clearly at the top of the notice “Canceled,” “Rescheduled,” “Location Change,” and so on. Enter this revised notice into ADAMS as a new record. (3)

Preparations for the Meeting (G)

- Make arrangements for reasonable accommodations for individuals with disabilities, if applicable. (1)
- Prepare a sign-in sheet for the attendees. (2)

Include meeting title, date, time, and location.

- Prepare and make copies of NRC Form 659, “NRC Public Meeting Feedback” (public meetings only). (3)

Preparations for the Meeting (G) (continued)

- Identify audiovisual requirements and reserve them. (4)
 - Overhead projectors, computer projectors, 35 mm projectors, VCR/TVs. (a)
 - Computer/laptop (arrange with individual office IT [information technology] coordinator). (b)
- Preregister meeting attendees (if possible) when meetings are being held in areas of restricted public access. (5)
- Identify a backup meeting contact for the day of the meeting. (6)
- Arrange for escorts of meeting attendees when the meeting is being held in an area of restricted public access. (7)

If large attendance is expected, identify additional escorts.

- Make adequate copies of documentation and handouts for the meeting. (8)
- Prepare name tags, name plates, and posters (if applicable). (9)
- Identify security requirements, including the need for uniformed officers. (10)
- Hold an NRC pre-meeting to review assignments, logistics, and so on (if needed). (11)

If the meeting is being held off site, in a hotel, request a meeting room for NRC staff.

- Screen NRC's presentation slides for readability and use of plain English. (12)

Preparations for the Meeting (G) (continued)

- Borrow the NRC Seal (it may be needed for offsite meetings). (13)

For guidance on these preparations, refer to the “Communications and Public Meetings” on NRC’s internal Web page.

Day of the Meeting Procedures (H)

- Confirm arrangements for audio teleconferencing and video conferencing equipment (if any). (1)
- Give a copy of the meeting notice to the lobby receptionist/guard. (2)
 - Ensure that any required special security arrangements are in place. (a)
 - Include backup meeting contact name and phone number. (b)
 - Include name(s) and phone number(s) of additional escort(s) (if needed). (c)
- Confirm that the NRC participants will be attending (send a reminder). (3)
- Check the meeting location hours before the meeting. Ensure that the— (4)
 - Proper number of chairs and tables and adequate lighting are available. (a)
 - Portable audio conference unit is available (teleconference only). (b)

Day of the Meeting Procedures (H) (continued)

- Audiovisual equipment is set up (make sure it is working properly; check for spare bulbs). (c)
- Place a copy of the meeting notice at the entrance to the meeting room. (5)
- Bring attendee sign-in sheet, public meeting feedback forms (if applicable), agenda, and any other meeting documentation/handouts. (6)
- Refer to the Meeting Guide: (7)

NUREG/BR-0224, "Guidelines for Conducting Public Meetings," Office of Public Affairs.

Postmeeting Procedures (I)

- Respond to meeting followup items. (1)
- Prepare and issue the meeting summary within 30 working days. (2)
 - Attach attendee list. (a)
 - Attach all handouts (if not already in ADAMS). (b)

If handout(s) is (are) already in ADAMS, reference ADAMS accession number(s).

- Enter meeting summary and attachments into ADAMS as official agency records following the instructions in ADAMS Template Number NRC-001. (3)
- Ensure that the ADAMS accession numbers of all meeting-related documents are included in the appropriate ADAMS meeting package: notice, agenda, handouts, summary, related documents. (4)

Postmeeting Procedures (I) (continued)

- Analyze feedback forms. (5)
 - Review Public Meeting Feedback Forms as received, contact those who requested followup information, and revise communication plans, if applicable. (a)
 - Enter data from Public Meeting Feedback Forms, as received, into the Public Meeting Feedback System at <http://cio5-dev.nrc.gov/pmfs/index.cfm>. Instructions are available on the Web page. For assistance, contact the Senior Communications Assistant, OEDO. (b)