

POLICY ISSUE NOTATION VOTE

July 13, 2000

SECY-00-0154

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: RECOMMENDED REVISIONS TO SECTION D OF POLICY STATEMENT ON
STAFF MEETINGS OPEN TO THE PUBLIC

PURPOSE:

To revise Section D of the Policy Statement on Staff Meetings Open to the Public to state that public notice of meetings will be provided via the Internet at the NRC Web site and to make other needed administrative changes.

SUMMARY:

Section D of the NRC Policy Statement on Staff Meetings Open to the Public states that the NRC will announce staff meetings open to the public via an electronic bulletin board and a telephone recording, both of which are toll-free, and through the Weekly Compilation of Press Releases and postings at the NRC's Public Document Room (PDR). Since NRC began to post its notice of staff meetings open to the public on the NRC Web site, use of the automated means announced in Section D has declined substantially. Therefore, the staff proposed, in SECY-99-251, "Policy Statement on Staff Meetings Open to the Public: Revision of Section D," dated October 14, 1999, to amend Section D to formally adopt the NRC Web site as the location from which the NRC will announce its staff meetings open to the public. The staff also proposed administrative changes to the Policy Statement to make it consistent with current staff guidance and procedures. In accordance with the Commission's directions in the Staff Requirements Memorandum on SECY-99-251, dated December 21, 1999, the staff published the proposed revisions in the Federal Register on January 25, 2000 for public comment. Four

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comment letters were received. All of the commenters supported the proposed revisions and three of the four recommended improvements to the NRC Web site for noticing public meetings. The proposed changes were discussed in detail in SECY-99-251 and are summarized in Table 1 (Attachment 1). As a result, the staff proposes that the Commission publish the attached revised Policy Statement (Attachment 2).

BACKGROUND:

The NRC first published its policy for open staff meetings in the Federal Register on June 28, 1978 (43 FR 28058). The current Policy Statement on Staff Meetings Open to the Public was published on September 20, 1994 in the Federal Register (59 FR 48340). The policy covers the definition of a public meeting, exemptions from requiring public meetings, meeting arrangements, and other issues. It also announces central NRC services available to the public for obtaining schedules for the staff meetings that are open to public attendance. Management Directive 3.5 was issued to provide guidance to the NRC staff in implementing the policy.

DISCUSSION:

As noted in SECY-99-251, the methods that the public has used to access information about staff meetings open to the public have changed. The majority of the public has increased its use of newer technologies, such as the NRC Web site, to access this type of information. Therefore, the staff has updated the methods that it uses to provide meeting notices to the public by providing this information on our external Web site. In this paper, the staff proposes to amend the NRC Policy Statement on Staff Meetings Open to the Public to reflect this change, and other administrative changes.

As discussed above, all of the commenters supported the proposed changes to the policy statement. Three of the four commenters suggested improvements to the content and organization of the NRC Public Meeting Web site. OCIO staff are currently developing a Web-based public meeting notice system to replace the existing DOS automated system which is used to schedule and track meetings. The proposed new system will allow the staff to implement all of the commenters suggestions.

In addition to the proposed changes to Section D, and consistent with the Strategic Plan Performance Goal of increasing public confidence, the staff is reviewing the Policy Statement to see whether other sections should be modified. Specifically, the staff is reviewing whether the Policy Statement should be modified to refer to public participation instead of public observation. While the staff realizes that there will be times when public participation will not be possible, the staff believes that it should be the rule and not the exception.

RECOMMENDATION:

That the Commission approve publication of the revised Policy Statement in its entirety.

COORDINATION:

The Office of the Chief Information Officer has concurred and the Office of the General Counsel has no legal objection to this paper.

/RA by Frank J. Miraglia Acting For/

William D. Travers
Executive Director for Operations

Attachments:

1. Table 1: Proposed Changes to Section D of Policy Statement on Staff Meetings Open to the Public
2. Revised Policy Statement on Staff Meetings Open to the Public

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Attachment 1

Table 1. Proposed Changes to Section D

Proposed Changes to Section D of Policy Statement on Staff Meetings Open to the Public	
Places for posting meeting announcements	
Current policy: (from 1994) electronic bulletin board, telephone recording, Weekly Compilation of Press Releases, and postings at the NRC's Public Document Room	
Interim change: 1997 - began posting the meeting notices to the NRC Web site	
Proposed changes: Change 1: NRC Web site will be the primary location for posting meeting notices open to the public Change 2: eliminating notice of meetings on electronic bulletin board, Weekly Compilation of Press Releases, and postings at the NRC's Public Document Room (PDR) Change 3: retaining the telephone number and revising the recording so it refers the public to the NRC Web site and the toll free telephone number of the NRC PDR for those who cannot access the NRC Web site	
Scheduling window	
Current policy: Policy limits the announcement of meetings to those scheduled within 60 days	
Proposed change: Change 4: No 60-day limit on advance scheduling	
Advance notice of the meeting	
Current policy: Send the meeting notice to the public meeting notice coordinator at least ten days before the scheduled date of the meeting	
Proposed change: Change 5: Post meeting announcement to the NRC Web site generally no fewer than ten calendar days before the meeting date	
Deletion of Reference to Meeting Announcement Coordinator	
Current policy: Staff sends meeting notice to Meeting Announcement Coordinator	
Proposed change: Change 6: Internal NRC procedures for processing meeting notices will be revised in Management Directive 3.5	

Attachment 2

IV. Commission Policy Statement on Staff Meetings Open to the Public

A. Purpose

This statement presents the policy that the Nuclear Regulatory Commission (NRC) staff will follow in opening meetings between the NRC staff and one or more outside persons to public observation. The policy continues NRC's longstanding practice of providing the public with the fullest information practicable 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. This policy also announces central agency services available to the public for obtaining schedules for the staff meetings that are open to public attendance. Implementing guidance will be issued to the NRC staff as a management directive. This meeting policy is a matter of NRC discretion and may be departed from as NRC convenience and necessity may dictate.

B. Definition

A public meeting is a planned, formal encounter open to public observation between one or more NRC staff members and one or more outside persons physically present at a single meeting site, with the expressed intent of discussing substantive issues that are directly associated with the NRC's regulatory and safety responsibilities. An outside person is any individual who is not:

- a. An NRC employee;
- b. Under contract to the NRC;
- c. Acting in an official capacity as a consultant to the NRC;
- d. Acting in an official capacity as a 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);
- e. Acting in an official capacity as a representative of a foreign government;
- f. Acting in an official capacity as a representative of a State or local government (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 that NRC staff members might attend and participate in. It does not apply to the Commission or offices that report directly to the Commission. Similarly, it does not apply to meetings between the NRC staff and representatives of State governments, 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 specifically addresses public attendance at advisory committee meetings; and 10 CFR Part 9, Subpart C, addresses public attendance at Commission meetings. The policy also does not negate existing Memoranda of Understanding, procedural agreements, or other

formal agreements or requirements regarding the accessibility of the public to observe or participate in meetings between NRC and its licensees or any other entities. In addition, the policy does not apply to meetings involving enforcement matters under 10 CFR Part 2, Appendix C nor to settlement conferences.

2. In general, meetings between the NRC staff and outside persons will be classified as public meetings unless the NRC staff determines that the subject matter to be discussed-

- a. Is specifically authorized by an Executive Order to be kept secret in the interests of national defense or foreign policy (classified information) or specifically exempted from public disclosure by statute;
- b. Contains trade secrets and commercial or financial information (proprietary information);
- c. Contains safeguards 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, unverified information;
- g. Is a general information exchange having no direct, substantive connection to a specific NRC regulatory decision or action;
- h. Indicates that the administrative burden associated with public attendance at the meeting could result in interfering 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.

It is important to note that whether or not a meeting should be open for public attendance is dependent primarily on the subject matter to be discussed, not who outside nor who within the NRC staff 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. However, should a meeting involving a general information exchange be closed and should 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.

D. Notice to the Public

1. Meeting announcement information is to be provided to the public as soon as the staff is certain 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 from the NRC Web site at <http://www.nrc.gov>. Meeting changes or cancellations will also be announced promptly on the NRC Web site. Meeting notices, changes to meetings, and

cancellations will be updated each working day, if required, on the NRC Web site. Members of the public who cannot access the NRC Web site can contact the NRC Public Document Room staff for information on scheduled NRC meetings.

2. Meeting announcements will include the date, time, and location of the meeting, as well as its purpose, the NRC office(s) and outside participant(s) in attendance, and the name and telephone number of the NRC contact for the meeting.

Meetings Open to the Public: Final Policy Statement

AGENCY: Nuclear Regulatory Commission

ACTION: Final Policy Statement

SUMMARY: The Nuclear Regulatory Commission is finalizing revisions to its "Policy Statement on Staff Meetings Open to the Public," to state that public notice of meetings will be provided primarily through the NRC Web site at <http://www.nrc.gov>. NRC will also discontinue announcing public meetings, changes, and cancellations through its public meeting notice system electronic bulletin board, and telephone recording, and through the Weekly Compilation of Press Releases and posting in the NRC's Public Document Room.

FOR FURTHER INFORMATION CONTACT: Rosetta O. Virgilio, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-2307; [email:rov@nrc.gov](mailto:rov@nrc.gov)

ADDITIONAL INFORMATION

The NRC solicited public comment on the proposed revisions to the Policy Statement in the January 25, 2000, Federal Register. All four comment letters received supported the revisions; three of the four recommended improvements to the NRC Web site for noticing public meetings. The NRC's Office of the Chief Information Officer is planning to develop a Web-based public meeting system to replace the existing system used to schedule and track meeting notices and cancellations. The proposed new system will allow the staff to implement

all of the commenters suggestions. Copies of the comment letters can be viewed at the NRC Public Document Room located at 2120 L Street, N.W. (Lower Level), Washington, D.C.

The final Policy Statement will contain a revised Section D, noting the NRC Web site as the primary mechanism for announcing staff meetings. The electronic bulletin board and automated telephone recording will be eliminated. Members of the public who do not have access to the Internet can contact the NRC's Public Document Room staff at 800-397-4209 for information on scheduled meetings. The text of the revised Policy Statement follows this announcement. Other changes to the Policy Statement will make it consistent with current NRC staff guidance and procedures.

Dated at Rockville, MD this __ th day of August, 2000.

For the U.S. Nuclear Regulatory Commission

Annette L. Vietti-Cook
Secretary to the Commission