

June 23, 1992

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-92-194 - POLICY STATEMENT FOR TWO-YEAR  
TRIAL PROGRAM FOR CONDUCTING OPEN ENFORCEMENT  
CONFERENCES

The Commission (with all Commissioners agreeing) has approved the proposed notice for the policy statement that would implement a two-year trial program to allow selected enforcement conferences to be open to attendance by all members of the general public. The staff should incorporate the changes indicated in the attachment.

In addition, the staff should ensure that the selection process for opening certain enforcement conferences is carried out in such a way as to approximate the same categorical proportions in the sample as in the total of all enforcement conferences.

The Commission interprets the staff proposal to avoid bias in the selection process to mean that only every fourth eligible enforcement conference will be open unless some flexibility is needed to achieve the three goals of the trial program.

The staff should consider the questions on the Open Enforcement Conference Survey to make sure that the answers to the questions will be amenable to an objective interpretation as indicators of the strengths and weaknesses of open enforcement conferences. For example, with respect to Question 8, the staff should be clear at the outset what conclusions it will infer from whether open enforcement conferences were significantly longer or shorter than other enforcement conferences or whether any inference will be possible from the answers to this question.

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SECY NOTE: THIS SRM, SECY-92-194, AND THE VOTE SHEETS OF THE CHAIRMAN, AND COMMISSIONERS ROGERS, CURTISS AND de PLANQUE WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

The Commission is concerned about the further potential chilling effect (beyond the chilling effect from opening the enforcement conference per se) on the enforcement process of the "Standard Operating Procedures For Providing Support For NRC Hearings and Meetings". (56 FR 56251) Should the staff identify any exceptionally adverse effects during the trial period, the Commission should be promptly notified.

Attachment:  
As stated

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
Commissioner de Planque  
OGC  
OCAA  
OIG