



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 22, 2000

Mr. Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th St. NW, Suite 404
Washington, DC 20036

Dear Mr. Gunter:

Thank you for your November 22, 2000, letter in which you expressed concern about NRC Region IV's decision to deny a request by Mrs. Kay Drey to participate by telephone conference bridge in a publically announced regulatory conference, which was held with representatives of the Callaway Plant on November 9, 2000. You also were concerned about the sincerity of short notice meeting invitations, and the inconsistency between NRC headquarters and regional offices regarding the policy of telephone "observation" of public meetings. You requested that NRC meetings be made available to remote public observation. You also requested that we provide you with the decision making process in which Mrs. Drey's request to observe the November 9, 2000, meeting via telephone was denied. These issues are discussed separately below.

On November 6, 2000, Mrs. Drey contacted Ms. Gail Good, of my staff, to request observation of the November 9, 2000, Callaway regulatory conference by telephone conference bridge. As indicated in your letter, Ms. Good discussed this request with regional management. In addition, Ms. Good spoke with Mrs. Drey about the inspection findings, the reactor oversight program, the significance determination process, and the licensee's preliminary position on the identified issues. Ms. Good also provided Mrs. Drey with a copy of the docketed supplemental information submitted by the licensee on August 21, 2000.

Prior to making our decision, we consulted with the Offices of Public Affairs, Nuclear Reactor Regulation, and Enforcement in NRC headquarters to determine what the past practice or policy had been regarding this type of participation. There is no established NRC policy regarding public meeting participation via telephone conferencing bridges; however, the NRC is currently reviewing this form of participation.

After this consultation, we decided to deny Mrs. Drey's request. Our decision was based on the following reasons:

- (1) Since there was no established policy, we did not want to establish a precedent for a practice that might not be sustainable (because of technological limitations, subsequent policy decisions, etc.).
- (2) We did not want to make special arrangements for one member of the public without having sufficient time to afford the same opportunity to other members of the public.

- (3) If we established a regional practice, we foresaw difficulties in how it would be implemented and controlled. For example, if we had 10 telephone conference bridge ports, how could we fairly choose who would be allowed to participate? Would it be first come first served? How would we fairly communicate this option?

Accordingly, Ms. Good notified Mrs. Drey of our decision. To compensate, Ms. Good offered to provide Mrs. Drey with a copy of the meeting summary and to answer any questions that Mrs. Drey might have about the regulatory conference (after reviewing the summary). In addition, Ms. Good forwarded to Mrs. Drey a copy of a November 16, 2000, letter from the licensee that responded to questions raised during the regulatory conference.

Following your call on November 8, 2000, Ms. Good communicated your concerns to regional management. We acknowledged your comments about the need to have a publically-understandable process; one that is "transparent" to all stakeholders. However, after further review, we arrived at the same conclusion, for the same reasons stated above.

Over the past several years, the NRC has taken steps to improve access to the Agency and its proceedings. Most of our meetings are open to the public, and we have improved the manner in which we notify the public of our meetings. Formal notices are now posted on the NRC's web site 10 days prior to a scheduled meeting. In this instance, the meeting notice was issued on October 26, 2000, and posted to the NRC's web site on October 27, 2000. A copy of the notice was mailed to Mrs. Drey. Additionally, a toll-free number is available (800-397-4209) to obtain scheduled meeting information for those who do not have access to the Internet. Further, for meetings such as this, a press release is typically issued. The press release for the Callaway regulatory conference was issued on November 6, 2000. I understand that Mrs. Drey received a faxed copy of this press release, as a courtesy, in accordance with a pre-existing request.

Nonetheless, the points you raise are good ones. You are correct that it is our goal to ensure that NRC processes are visible and understandable in order to promote public confidence. Given the extent of the recent changes to our reactor oversight processes, I agree that we should take a conservative approach when it comes to promoting public awareness of our activities.

In your letter, you indicated that it has been your experience that NRC headquarters conducted regulatory meetings in the past and provided the opportunity for public and industry stakeholders to observe and participate via telephone. As such, you stated that NRC "should not have one policy at the headquarters level and another at the regional level . . ." Region IV has, in at least one instance, made alternative arrangements for external stakeholders to observe meetings from remote locations. In this instance, the request was made sufficiently in advance to ensure that there was ample time to make the necessary technical arrangements (e.g., listen-only bridge or video teleconferencing), and to provide sufficient notice to other external stakeholders to have the opportunity to observe in a similar manner. Notwithstanding this special case, the NRC currently does not have a clearly established policy with regard to public "observation" of meetings by telephone.

However, please recognize that even before you raised your concerns, the NRC had been actively working on a revision to our internal policy regarding these matters. As part of this ongoing effort, consideration is being given on how to best employ the available communication

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technologies to maximize public access to NRC proceedings. As you have proposed, we are considering telephone conference bridges, video teleconferences, and internet "web casting."

Again, thank you for your letter and making us aware of an area in which we can improve our performance.

Sincerely,



Ellis W. Merschhoff
Regional Administrator

cc:

Chairman Richard Meserve
Commissioner Jeffrey Merrifield
Commissioner Edward McGaffigan, Jr.
Commissioner Nils Diaz
Commissioner Greta Joy Dicus
Francis Cameron, NRC Office of General Counsel
Congressman Richard A. Gephardt
Congressman William L. Clay, Jr.
Congressman Edward Markey
Congressman Dennis Kucinich
Kay Drey, Missouri Coalition for the Environment & NIRS Board Member
David Lochbaum, Union of Concerned Scientists
James Riccio, Public Citizen
Virginia Gilbert, St. Louis Post-Dispatch

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bcc:

Scott Morris, OEDO

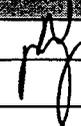
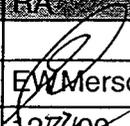
Mark Satorius, OEDO

Arthur T. Howell, RIV

J. Carson, (AI 00-385)

C. Goines, (AI 00-385)

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