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FROM: DUE: 09/07/01 EDO CONTROL: G20010358
DOC DT: 08/24/01
FINAL REPLY:

David Lochbaum
Union of Concerned Scientists

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0429

Chairman

DESC:

SECY-01-0137, "Enhancing Public Participation in
NRC Meetings"

ROUTING:

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Collins, NRR
Miller, RI
Reyes, RII
Dyer, RIII
Merschhoff, RIV

DATE: 08/28/01

ASSIGNED TO: CONTACT:
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SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

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Date Printed: Aug 27, 2001 16:28

PAPER NUMBER: LTR-01-0429 **LOGGING DATE:** 08/27/2001
ACTION OFFICE: EDO

AUTHOR: David Lochbaum (UCS)
AFFILIATION: UCS
ADDRESSEE: CHRM Richard Meserve
SUBJECT: Concerns comments on SECY-01-0137, public meetings

ACTION: Signature of Chairman
DISTRIBUTION: RF

LETTER DATE: 08/24/2001
ACKNOWLEDGED: No
SPECIAL HANDLING: SECY to Ack
NOTES: COMMISSION CORRESPONDENCE
FILE LOCATION: ADAMS
DATE DUE: 09/11/2001 **DATE SIGNED:**



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

August 24, 2001

Chairman Richard A. Meserve
Commissioner Greta J. Dicus
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: COMMENTS ON SECY-01-0137, PUBLIC MEETINGS

Dear Chairman and Commissioners:

UCS greatly appreciates the commitment of the Commission and the extensive efforts of the staff that led to the proposed policy on public meetings outlined in SECY-01-0137. With some revision, the proposed policy could serve to improve the NRC's interface with the public.

The proposed policy appears unfairly biased against outside-the-beltway public participation. Very few, if any, Category 2 and 3 meetings will be held in the communities around nuclear facilities. Virtually all of these meetings will be held at NRC's headquarters or regional offices. Category 2 and 3 meetings afford the highest level of public engagement. Category 1 meetings provide the lowest level of public engagement, yet they are the type of meeting that most of the public will be interested in attending. As proposed, the policy treats what Mr. Paul Gunter has labeled the 'professional public' better than the 'amateur public.' Representatives of public interest groups get paid by our organizations to attend NRC's public meetings. We are "on-the-clock" when we attend NRC meetings. But people who attend Category 1 meetings, such as Ms. Kay Drey and Ms. Deb Katz and Mr. Ray Shadis and Ms. Rosemary Bassilakis and so many others, are carving time out of their real jobs and real lives to attend. Someone traveling to White Flint on his own time and own nickel to attend a public meeting about a proposed license amendment for the nuclear facility in his very backyard should not have a lower level of engagement with the NRC than Mr. Gunter or me attending a meeting at White Flint on some generic issue.

The perceived bias may result from my understanding of the proposed expectations for Category 1 meetings. The SECY paper states:

The public will be invited to observe the meeting consistent with current open meeting policy, and the NRC staff would be available to answer questions from the public after the business portion of the meeting.

I have personally experienced this policy implemented two vastly different ways. I have attended meetings where the NRC staff stated that they would remain in the room after the meeting to answer questions. I refer to this format as "Race 'em to the door" meetings because the meeting is adjourned and I can ask questions of any staffer I beat to the door. I have also attended meetings where the NRC staff closed the business portion of the meeting but remained at the table to entertain public dialogue before formally adjourning the meeting. This second format is preferable to the foot race format, but it still

leaves room for improvement. Believe it or not, but most NRC public meetings consume more time than is allotted. Consequently, the opportunity for public comments generally comes at the end of an overly long session when NRC managers have left to go to the beginning of other meetings. Public attendees are left to ask questions or express concerns about issues raised hours earlier.

The expectations for Category 1 meetings should be clarified to exclude the "Race 'em to the door" format. In addition, Category 1 meetings lasting longer than two hours should have formal opportunities designated in the agenda for public input periodically throughout the meeting.

During the April 4th workshop and in prior Commission briefings, the public described the need for consistent guidance on telephone access to meetings. The proposed policy paper discusses this issue, but provides little guidance other than the vague rejoinder "Telephone access should be considered when travel to a meeting site is considered difficult for interested citizens, or when the meeting is held in a remote location." The policy should be revised to provide clearer guidance on the expectations for telephone access to public meetings.

On a related topic, current security procedures in place for White Flint One and White Flint Too do not permit members of the public to take cameras and audio recorders with them to public meetings. That ban does not exist for public meetings held in the regions or at venues other than White Flint. In addition to the ban being applied inconsistently, the ban on audio recorders seems useless because members of the public are permitted to carry cell phones with them to public meetings at White Flint. Thus, I can be in the bizarre situation of having my audio recorder confiscated at the security desk yet being able to attend a public meeting, call my office with my cell phone, and record the entire meeting onto my voicemail system. I can then retrieve my audio recorder from security on my way out after the meeting, return to my office, and transfer the meeting from my voicemail to my audio recorder.

The proposed policy specifically address how Follow-up will be handled for all public meetings, but those discussions are restricted to answering questions raised by the public. This guidance should be supplemented by how the staff will follow-up on non-question information provided by the public. Public meetings are forums for members of the public to ask questions, make recommendations, and/or express concerns. The proposed policy needs to address all forms of public input provided during the meetings. For example, at a recent public meeting held in San Luis Obispo, Ms. Rochelle Becker of the Mothers for Peace informed the NRC staff about allegations she had received in an anonymous letter apparently from a worker at Diablo Canyon. The staff did not ask her specifics about those allegations or request a copy of the letter. Fortuitously, Ms. Becker raised the same concerns about two weeks later in another public meetings in San Luis Obispo and the staff followed up this second time. Unless the proposed policy is revised to cover non-question input, the public attendees will be forced to play NRC Jeopardy and frame every comment as a question: "What are you going to do about the allegations in the anonymous letter?"

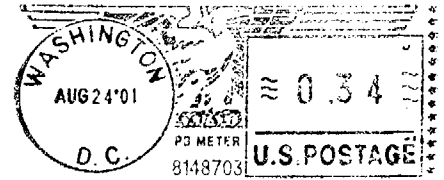
One option for facilitating follow-up would be to formally encourage public input in writing. For example, public meeting notices could state that in addition to opportunities for oral remarks by the public, written statements can be submitted for inclusion with the official meeting summary. This practice would lessen the burden on the NRC staff of extracting public input from their notes/memories.

Finally, the NRC has recently prepared a number of fine documents in plain English describing various aspects of its regulatory mission (e.g., NUREG/BR-0256 "The U.S. Nuclear Regulatory Commission and How It Works"). Once the public meeting policy is settled, a similar brochure describing the public meeting process and how it fits within other public interface methods such as 2.206 petitions and interventions under 50.91 would be useful.

Sincerely,

A handwritten signature in cursive script that reads "David Lochbaum". The signature is written in black ink and is positioned above the typed name.

David Lochbaum
Nuclear Safety Engineer
Washington Office



Union of Concerned Scientists

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**Chairman Richard A. Meserve
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