



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 8, 2002

COMMISSION VOTING RECORD

DECISION ITEM:     SECY-01-0137

TITLE:             ENHANCING PUBLIC PARTICIPATION IN NRC MEETINGS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 8, 2002.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:     Chairman Meserve  
       Commissioner Dicus  
       Commissioner Diaz  
       Commissioner McGaffigan  
       Commissioner Merrifield  
       OGC  
       EDO  
       PDR

VOTING SUMMARY - SECY-01-0137

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	9/22/01
COMR. DICUS	X					8/28/01
COMR. DIAZ	X				X	12/11/01
COMR. McGAFFIGAN	X				X	12/13/01
COMR. MERRIFIELD	X				X	11/19/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 8, 2002.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN MESERVE

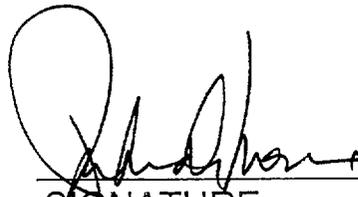
SUBJECT: **SECY-01-0137 - ENHANCING PUBLIC PARTICIPATION IN  
NRC MEETINGS**

Approved  w/comments Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached.



\_\_\_\_\_  
SIGNATURE

Sept 22, 2001  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

## COMMENTS OF CHAIRMAN MESERVE ON SECY-01-137

I support the staff's proposal to revise the public meeting policy, including the categorization of meetings and the public participation components, subject to the following comments:

The NRC must continue to expand opportunities for public participation in order to obtain the benefit of insights that the public can provide and to promote public confidence in our regulatory processes and decisionmaking. The policy for Category 1 meetings should make clear that there should be an opportunity for the public to communicate with the NRC before the meeting is adjourned. This can be accomplished by concluding the initial or licensee portion of the meeting, and then inviting comments and questions for the NRC staff before the meeting is adjourned. Moreover, because certain types of licensee meetings included in Category 1 (e.g., high visibility exit meetings, augmented team inspections, and restart meetings) can attract high public interest that would warrant the opportunities for the public to participate as set out for Category 2 meetings, the policy should include the criteria and procedures for changing the public's role in Category 1 meetings.

In my view, it would be inappropriate for the NRC to require licensees to respond to inquiries from the public at public meetings. Accordingly, the NRC should make clear that NRC staff, rather than the licensee representatives, are available for interaction with the public. However, the policy should not be written so as to preclude a licensee from responding to questions if it should choose to do so.

I believe that the staff should provide teleconferencing access to meetings whenever the meeting site is not easily accessible to interested citizens. The meeting notice should

announce the opportunity for access by telephone, and identify how to participate in this way. Because there may be instances where not all interested parties can be accommodated by teleconferencing, staff should establish an equitable process for allocating rights to participate by telephone (perhaps a first-come, first-served process).

The staff should also reexamine the security policy which prohibits visitors from bringing in audiotaping equipment, without prior approval, to the NRC headquarters buildings. This prohibition may limit the use of an effective communication tool for members of the public that cannot attend meetings.

The staff should periodically reassess the policy. Because the policy is significantly important to the NRC's engagement of the public, staff should seek public comment on the policy after one year of implementation.

NOTATION VOTE

RESPONSE SHEET

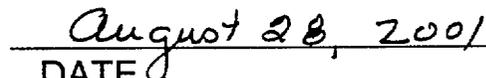
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER DICUS  
SUBJECT: **SECY-01-0137 - ENHANCING PUBLIC PARTICIPATION IN  
NRC MEETINGS**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DIAZ

SUBJECT: **SECY-01-0137 - ENHANCING PUBLIC PARTICIPATION IN  
NRC MEETINGS**

Approved XX <sup>w/comments</sup> W Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

[Signature]  
SIGNATURE

Dec 11, 01  
DATE

Entered on "STARS" Yes ✓ No \_\_\_\_\_

## COMMISSIONER DIAZ'S COMMENTS ON SECY-01-0137

I am pleased that the staff's efforts, including the facilitated stakeholder meeting in April, have led to fresh approaches to the revision of the NRC policy on public involvement in the NRC staff's public meetings. In SECY-01-0137, the staff has consolidated a useful and broad set of issues and potential actions which can form the basis for more predictable and meaningful opportunities for public participation in these meetings. Therefore, subject to the following comments, I approve the staff's proposal to prepare a proposed revision to the public meeting policy, including the categorization of meetings and public participation components, which will be sent to the Commission for approval.

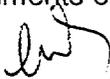
Participation in Category 1 Meetings. I believe that we can enhance the public's role in Category 1 meetings, which involve staff meetings with one licensee or other entity on a particular licensing or regulatory issue affecting that entity. The staff has proposed that the public be invited to observe the meeting, consistent with current open meeting policy, and that the NRC staff be available for discussion with the public after the business portion of the meeting.

I agree with the Chairman and Commissioner Merrifield that the policy should be clear that the public will have to opportunity to engage the staff before the meeting is adjourned. For meetings of substantial length, such as two hours or more, I also think that the policy should encourage the staff to afford one or more such opportunities before the end of the meeting, if practicable. I agree with Chairman Meserve, however, that it would not be appropriate to require licensees to respond to inquires from the public at public meetings with the NRC staff although licensees should not be precluded from volunteering to respond to questions.

Special Circumstances. I believe that the staff is correct in advising that the revised policy will still need to afford some flexibility to adjust public participation levels for special circumstances.

As an example of such special circumstances, the staff anticipates the need to move some meetings from Category 1 to Category 2, with ample advance notice, because of the high public interest in certain meetings. For this special circumstance at least, it would be useful if the staff could expand upon the criteria for the change in the meeting category as well as the process for applying such criteria and making appropriate materials available to the public.

Additional Matters. I agree with Chairman Meserve and Commissioner Merrifield that the staff should make teleconferencing available when meeting sites are not easily accessible to interested citizens and should reexamine the security policy that prohibits visitors from bringing audiotaping equipment to public meetings at NRC Headquarters. Finally, I believe that the staff should encourage the public, in public meeting notices and other appropriate documents, to provide comments or questions in writing as a means of facilitating public participation and staff follow-up.



NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

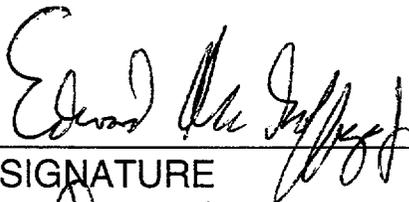
SUBJECT: **SECY-01-0137 - ENHANCING PUBLIC PARTICIPATION IN  
NRC MEETINGS**

Approved  <sup>w/comments</sup> Disapproved  Abstain

Not Participating

COMMENTS:

See attached comments.



SIGNATURE

December 13, 2001

DATE

Entered on "STARS" Yes  No

## Commissioner McGaffigan's Comments on SECY-01-0137

I approve the staff's proposal for revising the public meeting policy. Also, I generally agree with the comments of Chairman Meserve, Commissioner Diaz and Commissioner Merrifield regarding Category 1 meetings, teleconferencing access to certain meetings, and the security policy regarding the use of audiotaping equipment at NRC Headquarters. I offer the following comments on Category 1 meetings for the staff's consideration.

In my opinion, the staff paper does not achieve the Commission's stated objective to provide for more effective public involvement in NRC's decision making process. Specifically, the description of Category 1 meetings fails to provide an opportunity for meaningful participation by members of the public since it isolates the public as "observers" and does not include them in "on the record" discussions. Also, I do not believe that NRC's processes would be less efficient and effective if the public were allowed to participate in Category 1 meetings, as implied in the staff paper and the August 23, 2001 memorandum from William Travers, EDO, to Hubert Bell, Inspector General. Instead, NRC's processes may be less efficient and effective under the proposed procedure for Category 1 meetings: if members of the public are not allowed to raise their concerns and get answers at a meeting, they may choose to raise their concerns through other mechanisms, perhaps much later in the NRC decision making process, in a manner which would require more intensive agency effort to address.

Clearly, Category 1 meetings would benefit from more meaningful participation by the public who may have valuable insights on the issues under consideration. One option for more meaningful public involvement in Category 1 meetings would be to allow individual members of the public to request participant status after the meeting is noticed and before it is convened. The request would be granted if the NRC staff judged that the individual would make a meaningful contribution to the purpose of the meeting. This involvement might not meet the "high public interest" threshold suggested by the staff for converting a Category 1 meeting to a Category 2 meeting. Another option is the one suggested by staff, namely on a case-by-case basis, to change a meeting from Category 1 to Category 2 based on high public interest. A question in that approach is how the "high public interest" would be discerned, unless the public is given an opportunity after the meeting is announced to request its recategorization. I would also note that, according to the EDO's memorandum, the public attends only approximately 20-25% of all Category 1 type meetings at this time; therefore, very few meetings would actually be impacted by a revised approach to Category 1 meetings that would allow for more meaningful public participation.

I commend the staff for its efforts to enhance public participation in NRC's processes, and look forward to reviewing the revised public meeting policy. I trust that the staff will incorporate lessons learned since conducting the April 2001 workshop on the revised policy, and suggest that the staff provide an update in the forthcoming staff paper on the other action items discussed in this paper, e.g., training, participation primer, meeting notification methods.

EMG

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

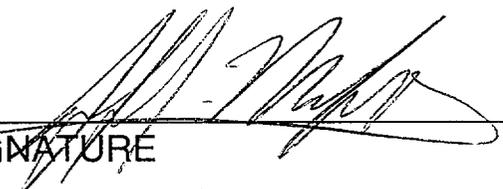
FROM: COMMISSIONER MERRIFIELD

SUBJECT: **SECY-01-0137 - ENHANCING PUBLIC PARTICIPATION IN  
NRC MEETINGS**

Approved  Disapproved  Abstain

Not Participating

COMMENTS: *See attached comments.*

  
\_\_\_\_\_  
SIGNATURE

*11/19/01*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

## COMMENTS OF COMMISSIONER MERRIFIELD ON SECY-01-137

I approve staff's proposal for revising the public meeting policy, subject to the following comments.

In the wake of the events of September 11, the NRC, like other federal agencies, has had to rethink its communication policies to ensure that information is not released that can be misused by those with malevolent intentions toward licensees' activities or facilities. The Commission must balance this concern with the need to effectively communicate with the public to gain valuable insights and promote public confidence in our activities. Therefore, the NRC must continue to reevaluate and enhance opportunities for public participation. I commend the staff for taking a hard look at these issues and striking what I believe is an appropriate balance.

Three areas that need further clarification are the description of Category 2 Meetings, conduct of Category 1 meetings, and the discussion of "Follow-up" to questions asked by the public.

### Category 2 Meetings

I agree with the Chairman that certain matters that may fall under Category 1 can attract "high public interest" and should warrant the opportunity for the public to participate as set out in Category 2 meetings. However, rather than changing Category 1 meetings to accommodate "high public interest" meetings, I prefer the staff's recommendation that "meetings that would normally be characterized as Category 1 may be changed to Category 2 because of high public interest." To ensure that the public understands that Category 2 includes Category 1 type meetings that have a "high public interest," the staff should revise the Category 2 description of "Meeting Purpose" and "Examples." The examples should include those noted by the Chairman, *i.e.*, high visibility exit meetings, augmented team inspections, and restart meetings with high public interest. This solution provides the public with a clearer understanding of the lines between Category 1 and 2 meetings. However, it does not resolve the question about the proper level of public involvement in other Category 1 meetings.

### Category 1 Meetings

As for the appropriate level of public participation in Category 1 meetings, according to comments from Dr. Travers, "there are very few members of the public attending 75-80% of these types of meetings." See Memorandum from William Travers, EDO, to Hubert Bell, Inspector General, dated Aug. 23, 2001. Where the public does attend a Category 1 meeting, I agree with the Chairman that the staff should provide the public with an opportunity to communicate with the staff before the meeting is adjourned. This should not be a significant resource burden considering the staff is recommending treating Category 1 meetings with "high public interest" as Category 2, and a vast majority of the other Category 1 meetings will have few if any members of the public attending.

### Follow Up

Some commenters on the proposed policy questioned the discussion of the staff's follow-up of issues raised by the public at public meetings. The concern seems to apply to Category 1, 2, and 3 meetings. To address this issue, the staff should draft a brochure describing the public meeting process and the levels of participation. The brochure should note that staff will make meeting summaries publicly available and to ensure that their concerns were heard by the staff

at a public meeting, the members of the public attending the meeting can review the meeting summaries. In the brochure, the staff should commit to considering issues raised at public meetings in its oversight role, or in a particular rulemaking or licensing matter, depending on the context of the issue. The revised policy should note that members of the public are always free to write to the staff about particular concerns and that the staff provides formal written responses to these letters.

Conclusion

I agree with the Chairman that the staff should provide teleconferencing access to meetings and should reexamine the security policy that prohibits visitors from bringing in audiotaping equipment to public meetings.



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