

From: Mindy Landau, EDO
To: communications task force
Date: 6/25/01 2:58PM
Subject: Draft Commission Paper on Improving Public Participation

Attached is a DRAFT of the proposed commission paper on public participation. I think we all agree that categorizing and setting expectations for these meetings should go a long way toward improving public confidence among our stakeholders. You'll note we are still missing some pieces from certain offices... office reps need to provide me text for these sections **this week**. Pat Norry will be reviewing the paper over the next few days and I'd like to put it out for formal concurrence next week. Please brief your management on the major points in the paper so we can expedite the formal review and concurrence process.

Of course, if any of you have some final thoughts, I'd like to hear them, but I believe most of our comments and suggestions have been captured in the paper. Thanks again for all your hard work!

Mindy

CC: Patricia Norry

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POLICY ISSUE
INFORMATION PAPER

Draft

OR: The Commissioners

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FROM: William D. Travers
Executive Director for Operations

SUBJECT: Improving Public Participation

PURPOSE:

The purpose of this paper is to respond to the Staff Requirements Memorandum of January 17, 2001, which directed the staff to examine the agency's policy on public meetings and procedures to determine if revisions are needed. Specifically, the staff was asked to consider, as a minimum, issues and resources related to the following:

1. Provide all attendees with the opportunity to ask a question or express their views on the topic of the meeting before the meeting adjourns;
2. Provide all stakeholders with timely responses to their questions and comments raised during public meetings;
3. Provide timely, clear and complete notifications and summaries or transcripts of meetings;
4. Provide an opportunity for people to listen and participate by telephone in public meetings, when requested and feasible; and
5. Provide access to documents being discussed at the meeting prior to or during the meeting.

The staff believes this paper is an appropriate vehicle to discuss our examination of these issues, and to inform the Commission of staff progress in our review and recommendations for other suggestions from the public on ways to improve NRC's methods of public interaction and participation in its meetings.

BACKGROUND:

Since public confidence was identified as a major performance goal in the Strategic Plan, the agency has been embarking on several initiatives to improve its communications with the public, thus providing a pathway to increase public confidence. In addition to the public meeting issues listed in response to the Staff Requirements Memorandum, other communications initiatives are also summarized at the end of this paper to provide some overall context for broader communications initiatives in the agency.

The staff held a meeting on April 4, 2001, to solicit input from interested stakeholders on how the agency could improve its public participation policies and programs. The meeting was held

in roundtable format, with telephone access to several groups who could not attend in person. A list of the participants, representing citizens' groups, industry, and government, is attached.

This paper provides the result of the staff's assessment and decisions related to the issues described in the Staff Requirements Memorandum and also addresses concerns expressed at the April 4 meeting.

DISCUSSION

Many of the comments at the April meeting focused on the public's uneven expectations of NRC meetings. They believed public meetings were handled inconsistently throughout the agency. For instance, some meetings offered public participation at certain points throughout the meeting while the same type of meeting in a different location or presented by a different office or region would have no opportunities for participation. The public had little expectation of what type of meeting they would or would not be invited to participate in. Meeting notices sometimes provided insufficient information, lacking agendas or background documents, while other meeting notices provided agendas, background documents, and links to web pages with even more information. Likewise, sometimes summaries were provided at the end of the meeting and sometimes not. There seemed to be no consistent application of what level of participation could be expected at certain meetings, what types of documents, if any, would be provided, or what type of follow-up action would be taken to respond to questions or concerns.

It is recognized that the staff examined changes to the policy statement on staff meetings open to the public in SECY 00-0154 dated July 13, 2000, entitled, "Recommended Revisions to Section D of Policy Statement on Staff Meetings Open to the Public." After completing that review, the staff determined that the policy statement and accompanying management directive (MD) 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff," should not be

changed. It was believed at that time that the flexibility which currently exists in these documents to allow for public participation was appropriate. The staff believed that providing for routine public participation, rather than observation, could impact their ability to conduct business with licensees and applicants efficiently and effectively. It was also recognized that if we allowed participation, the staff would need to develop criteria that could determine when public participation would be offered at a meeting open to the public. As stated in a memo to the Commissioners from the EDO, dated October 26, 2000, "...the criteria would have to be qualitative, would have to account for the significant variety in the type of meetings and would be subject to multiple interpretations." Staff concluded that current flexibility, rather than imprecise written criteria would be preferable from the standpoint of our public confidence goals.

The current policy describes which public meetings should be open for observation, defines an "outside person," and sets ground rules for staff to decide whether to hold an open or closed public meeting. However, it only applies to certain types of meetings. The policy does not go further in defining the various types of public meetings, nor does it establish expectations for the associated participation levels for the public. The policy also does not assign the level of relevant information to be provided at those meetings.

After obtaining feedback from the public at the April meeting, and at other meetings we have held, we have determined that while flexibility is good to some extent, too much flexibility is resulting in uneven expectations and inconsistent application of the policy. Although flexibility is a positive attribute, and a certain amount should be retained for maximum efficiency, the public is entitled to have some expectation of the general nature of the meeting. Likewise, responsiveness should be balanced with practicality in the efficient conduct of the agency's business. Based on staff evaluation of the items described in the Staff Requirements Memorandum and the comments received at the April 4 meeting, we believe the policy

statement should be revised to address this current imbalance, and should include a description of most types of NRC meetings.

The staff believes that an important first step towards revising our public meeting policy and associated management directive should begin with clear definitions and categorization of the different types of NRC public meetings. This would include an expectation of public participation level, type of access to documents, and type of follow-up information.

It is recognized that although examples of types of meetings are given, these examples may not be all inclusive. Therefore, some amount of judgment should prevail. Staff should be mindful of the extent of public interest in the meeting or activity, and the objective of the meeting insofar as public involvement is concerned. Various tools have been provided to the staff to assist them in this judgment. Some of these tools are discussed at the conclusion of this paper. The goal remains, as stated in the current policy, that "the NRC should continue its longstanding practice of providing the public with the fullest information practicable on its activities and conduct business in an open manner, while balancing the need for the NRC staff to exercise its regulatory and safety responsibilities without undue administrative burden."

To this end, the public meeting policy would continue to apply only to NRC-sponsored meetings and would not apply to Commission meetings, meetings with states, advisory committee meetings, 2.206 petition meetings, or certain hearings, which have their own meeting procedures and requirements.

For discussion purposes, we have grouped the activities summarized in this paper into those we believe can be accomplished in the relatively short term, with minimal resources, and those activities that are valuable, but which will require more resources to establish or more time to review. There were also substantive issues raised that the staff believed were Commission

described

policy and not within our purview to address.

*Should be
negotiated
consent*

After obtaining feedback from the Commission on this preliminary evaluation, the staff intends to proceed with a proposed revised public meeting policy which will be issued for Commission approval and public comment.

*or
Voluntary
Vote*

Activities that can be accomplished with minimal effort

A. Public Participation at Meetings and Related Information Provided

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The agency plans to issue guidance to the staff that provides the following categorization levels for meetings, their associated public participation levels, information that should be made available for each type of meeting, and follow-up actions that are appropriate for each. The staff used guidance from the , an internationally recognized organization in public information techniques, to help define and assign these categories for NRC meetings.

Types of NRC meetings

Category

#1 - Meetings in this category are typically held with one licensee/vendor/applicant or potential applicant/petitioner to discuss particular regulatory issues regarding their specific facility (or facilities) or license. The objective of the meeting is to interact with the aforementioned parties about a particular facility. The objective for public participation in these meetings is to inform the public of NRC activities by providing them with factual information to assist them in understanding the situation. Examples of this type of meeting could include: enforcement conferences, end of cycle reviews (reactor oversight), regulatory conferences, restart meetings, licensing actions (or applications) including new facilities, renewals and amendments, or high visibility/public interest issues at plant sites. Certain inspection exit meetings such as IITs,

AITs, or others as appropriate, would also be included in this category.

Level of participation - At these meetings, the public would be invited to observe the meeting, and the NRC staff would be available to answer questions from the public at the end of the meeting. Licensee participation at this portion would be voluntary.

Types of Information - At a minimum, these meetings should provide an agenda or a list of items to be discussed via the public meeting web site. An ADAMS accession number should be provided for access to any background documents (but is not required).

Follow-up - No formal follow-up beyond the normal period for questions at the end of the meeting. Informal follow-up may be appropriate for certain questions that cannot be answered at the meeting.

Category

#2 - Meetings in this category are typically held with a group of industry representatives, licensees, vendors or non-governmental organizations to discuss generic issues. The objective of this type of meeting is to obtain feedback from the regulated community on generic issues. The objective for public participation in these meetings are to provide the public with factual information on the situation and to obtain public feedback on analysis, alternatives and/or decisions. These types of meetings would include licensing action task forces, industry groups (such as NEI or owners groups), or public interest and citizen group discussions that focus on issues of a generic nature such as plant system aging, license renewal, decommissioning, or spent fuel storage.

Level of participation - At this level, the public would be invited to discuss regulatory issues with the agency at certain points during the meeting. There would generally be more opportunity provided for questions and comments at a meeting of this type.

Types of Information - Meeting participants would be provided an agenda, names of participants, and background documents with a required ADAMS accession number on the public meeting web page. A web page with links to other appropriate background information would be optional.

Follow-up - Staff would provide follow-up or answers to questions as appropriate during the meeting. Anything that cannot be addressed/answered at the meeting should be assigned to the staff as an action item and responded to in a timely fashion. At this level, meeting summaries or any transcripts should be provided in ADAMS and on the web, if a web site is established. Feedback forms should also be provided at this meeting, so that comments can be reviewed and incorporated into operating plans as appropriate.

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#3 - This type of meeting would be held with representatives of non-government organizations, private citizens or interested parties, or various businesses or industries to fully engage them in a regulatory issue. The objective of this type of meeting is to work directly with the public throughout the process to ensure that their issues and concerns are consistently understood and considered, and potentially to collaborate to develop alternatives and identify preferred solutions. Examples might include town hall or roundtable discussions, Environmental Impact Statement scoping meetings, workshops, the Regulatory Information Conference, the Nuclear Safety Research Conference, proposed rulemakings, or meetings to seek public input on generic issues such as decommissioning or high-level waste.

Level of participation - This level would have the widest participation opportunities for the public to comment and ask questions throughout the meeting. More resources should be applied meetings of this type where the public needs to be more fully involved.

Types of Information - Agendas and participants lists would be provided. In general, more

resources would be devoted to background documents with this level meeting, including an ADAMS accession number for packages of materials on the public meeting site and a web page created where all relevant documents for the meeting could be posted.

Follow-up - Similar to #2, but meeting summaries or transcripts would be provided in ADAMS and linked to the web site. Feedback forms would also be provided at this level meeting.

B. Public Meeting Web Site

It is important to note here that NRC's current public meeting web site has certain limitations that restrict the amount of information that can be provided by the staff as background material. Because of these constraints, OCIO is planning to develop a web-based public meeting system which will replace the existing system, and provide more supplementary information on public meetings. However, funding for this activity has not been obtained. (MORE FROM OCIO?)

However, there are certain current capabilities of the public meeting web site that may not be well known by many staff who plan and present public meetings. Some information such as agendas, access to background documents and ADAMS accession numbers can be provided. Therefore, guidance will be developed to inform the staff of the best methods to effectively utilize the site in the interim, until an expanded web-based design can be implemented.

C. Training

Many of the issues raised at the April meeting are covered in NRC's current training courses on communicating with the public, public outreach and technical writing for supervisors and their staff. The issues centered on the attitude of NRC staff, lack of plain language use in slides, statements made by staff that do not represent NRC policy, choice of local moderators, seating of participants and presenters, balancing types of invited participant groups, and timing and

location of meetings. We have directed HR to request that the training consultants specifically emphasize these issues in upcoming courses. In addition, this type of training is currently voluntary, but may become mandatory for all employees who are involved to some extent in public meetings.

D. Telephone Access to Meetings

Several participants mentioned the advantages of having telephone access to meetings such as the one held on April 4, where the public can participate without the expense and inconvenience of actually attending. Although the meeting itself was teleconferenced, the roundtable format of the meeting did not lend itself well to teleconferencing. Individuals on the telephone had to struggle to be heard and to "weigh in" at appropriate points during their discussion.

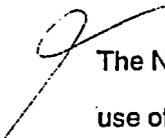
The NRC has a telephone bridge at its headquarters complex that will allow interested members of the public to participate in meetings. The bridge can be accessed via a toll-free telephone number and can accommodate up to 30 or more persons wishing to listen or participate in a meeting. Direct costs are limited to providing toll-free telephone access, which is approximately 5 cents per minute per connection. The system is now available and service can be provided for meetings either at or away from NRC headquarters. Reservations for the bridge are made on a first-come first serve basis so NRC meeting coordinators must arrange for its use in advance.

*Mark
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The staff believes that teleconferencing could be offered at a category 1 meeting when the meeting is not held in the vicinity of an affected facility, or when it is held in a rather remote location. The meeting notice would have to announce telephone access capability, and the public would need to contact the meeting coordinator to make arrangements.

E. Videostreaming and Audiotaping of Meetings

Some at the meeting suggested that, for those who cannot participate or attend, videostreaming and/or audiotaping of meetings would be helpful and would help supplement any written transcripts. Videostreaming has been adopted by the agency for Commission meetings only. Because of the equipment cost, inconsistent quality of recordings, privacy issues, and logistical problems with duplicates, storage, and access to audiotapes and videolinks, videostreaming and audiotaping of public meetings is not considered a valuable use of resources at this time. Improved access to meeting summaries or transcripts for category 2 and 3 meetings should adequately substitute for an audio or video recording.

 The NRC staff has also been cautioned in the use of recording devices at meetings. Generally, use of tape recorders in NRC-controlled areas is prohibited by the NRC Facility Security Program (Management Directive 12.1, Part II), and recording telephone conversations is prohibited by both NRC policy (Management Directive 2.3, Part II) and Federal statute (Omnibus Crime Control and Safe Streets Act).

F. Security

At the April meeting, concerns were raised about the inconsistent levels of security provided for certain meetings. For instance, it sometimes takes longer for visitors to be processed at headquarters than at meetings held in the Regions. Also, at some meetings packages are searched or metal detectors are used, while at others no visible security measures are taken.

The current policy....

(INFO FROM ADM)

believe that the re-designed web site and associated program area web sites will address many of these problems by describing NRC programs and activities in a clear, logical and understandable manner, and provide updated, relevant background information.

It should also be noted that many staff go beyond what is minimally required and notify the public of meetings through press releases, paid advertisements and/or letters to interested local citizens and public officials. Typically, these methods are used for highly visible or controversial topics that generate high public interest, and would likely be used for category 2 or 3 meetings.

Suggestions by the public that are valuable, but require further review

A. The public should have a mechanism to recommend agenda items and to request a meeting. The staff currently provides for public input on agenda items for certain meetings. For facilitated, category 3 meetings, affected interested individuals and groups are routinely contacted for input and suggestions. The staff is reviewing possible methods that could facilitate this action. One possible solution is a link on the public involvement page of the redesigned web site. Another is for an automated sign-up to be provided on a web page for category #3 meetings for subject-specific e-mail lists, requests for agenda items, meetings and feedback. These features could be incorporated into Phase II of the web redesign effort, however, currently there is no funding provided for this activity. **(More?)**

B. Money should be provided for participants to attend meetings. (POLICY - OGC?)

C. The staff should consider alternate methods (other than the web) for notifying the public of meeting information and document availability. Last year, the NRC announced that it would provide public meeting notice primarily through the web site, and discontinue announcing public meetings through its electronic bulletin board, telephone recording, the mailed Weekly Compilation of Press Releases and posting in the NRC's Public Document

Room. Since NRC had begun posting meeting notices on its web site, use of other automated means declined substantially. The agency sought public comment on this action and received four comment letters supporting the revisions. Although use of regular postage service was not explored in this initiative, mailing meeting notices would impose a significant resource burden on the staff and would likely be slower and less reliable than the web site notification. As indicated in the prior discussion, the staff uses press releases, paid advertisements, and letters to interested persons for certain highly visible meetings. The staff will review other methods for notifying the public such as enhanced web page feedback for particular program areas, regular mail, re-institution of list serves, and broadcast fax, and assess the costs for these activities.

D. The public needs a "point of contact" at the agency for public participation suggestions and concerns who could then parcel their concerns or questions to appropriate staff within the agency. The appropriate contact in the agency for general public participation policy issues is the Deputy Executive Director for Management Services.

Other Communications Initiatives

Communications Plans

In May, 2000, the staff began developing and implementing communications plans which describe how they will interact with stakeholders (both internal and external) for highly visible program areas. Among other things, these plans identify the goals of the program, the stakeholders, points at which the stakeholders can become involved, the tools for communicating key messages, and methods of evaluating progress. They can also contain timelines for specific events, and questions and answers that the stakeholders may have on the activity. More importantly, the communication plans have encouraged the staff to focus on opportunities for public involvement, prepared them for anticipating related issues which may

arise, and have placed public involvement and communication on their "radar." Currently, the staff has produced a total of 18 communications plans, with others in process.

Communications plans are to be developed as the need arises.

Training

Training programs have been developed to assist the staff in planning, developing and presenting public meetings. The training incorporates videotaping of "dry runs", including critiques by an "audience," effective communication skills, quality of slides and handouts, general conduct of the meeting, and logistical details that must be considered. The training programs have been very successful, and many staff have directly attributed positive meeting outcomes to the training they received in this regard.

Web Page

The staff is near the end of the first phase in the redesign of the web page, an 18-month (?) project that included input from representatives of all affected offices and regions. The OCIO will be presenting a prototype before groups of public "evaluators" to test its effectiveness. The new site is a major improvement, richer in content with more graphics, consistency, and navigability, and will include more information about the agency's mission, goals, performance and activities. The re-designed site will provide information that will greatly enhance the ability of stakeholders to participate in our regulatory process.

Feedback Forms

In response to Commission direction, the staff has been engaged in a pilot program since last October using feedback forms to evaluate the effectiveness of public meetings. The forms have given us unique insights into the public's perception of individual meetings and the usefulness of those meetings. At the end of the pilot program later this year, we will evaluate and analyze the comments received, and factor those into some long term decisions and

actions. Many of the issues described in this paper mirror those that have been raised in the feedback forms.

Public Participation Primer

NRC enlisted the help of a contractor to publish a primer for the staff that assists them in their public participation decisions and processes. Although the primer does not represent agency policy, and is not required to be implemented, it is intended to provide the staff with some information on best practices for general public participation. The primer includes public involvement and communication techniques that have been recommended by the aforementioned International Association for Public Participation. The primer contains planning worksheets to determine levels of public interest in a particular issue, suggests methods for obtaining feedback, and identifies various tools appropriate for specific public interactions. The primer will be distributed to office directors who will ensure the appropriate staff receive copies and become familiar with the document.

The staff is committed to improving communication and increasing public confidence and recognizes that building positive relationships and being responsive is critical to achieving our goal. Similarly, practicalities regarding resources and level of effort should be considered in balancing this goal with the agency's mandate of protecting public health and safety. The staff plans to implement the actions described in this paper and will keep the Commission informed.

COORDINATION

This paper has been coordinated with the Regions, the Office of Public Affairs, the Office of the Secretary, the Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Research, the Office of the Chief Information Officer, the Office of the Chief Financial Officer, the Office of Administration, the Office of Human Resources, the Office

of Enforcement, the Office of State and Tribal Programs, the Incident Response Organization, the Advisory Committees and the Atomic Safety and Licensing Board. The Office of the General Counsel has no legal objection to this paper.