

REQUEST REPLY

5/10

COMSECY-06-0024




UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555-1001

Approved with edits.

April 25, 2006

MEMORANDUM TO:

Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons

  
Nils J. Diaz 05/31/06

FROM:

Eliot B. Brenner, Director *EB*  
Office of Public Affairs

SUBJECT:

PROPOSED POLICY STATEMENT ON CONTROLS OVER  
VIDEO NEWS RELEASES

This is in response to the Office of the Inspector General's (OIG) recommendations in its December 2005 audit report (OIG-06-05) to develop a written NRC policy concerning video news releases. Video news releases are complete audiovisual presentations produced by non-news organizations that are intended to be indistinguishable from traditional television news reports.

Although the agency has never issued a video news release, in my January 31, 2006, memorandum to the OIG, I agreed to develop a policy statement, which if approved, would be distributed and incorporated into Management Directive 5.5, Public Affairs Program. I would also propose incorporation of the controls into MD 3.4, Release of Information to the Public.

I offer the attached policy statement and modifications to the appropriate management directives for the Commission's review and approval.

SECY please track.

cc w/att: OGC  
SECY  
EDO  
OIG

CHAIRMAN REC'D  
06 APR 27 AM 11:21

### Background

Last year, Congress passed a law stating specifically that no Federal funds may be used by an executive branch agency to produce any pre-packaged news story intended for broadcast or distribution in the U.S. unless the material includes a clear notification within the text or audio that the story was prepared or funded by that executive agency. The OIG conducted an audit to follow up and determine whether NRC had implemented procedures to comply with the Federal law.

Although the NRC has never issued a video news release nor does it intend to in the future, the Office of Public Affairs (OPA) has developed the following policy statement for Commission approval and will distribute the final statement to all NRC offices afterwards, incorporating appropriate language in the appropriate management directives. As the office having responsibility for issuing the agency's written press releases, OPA appears to be the best-suited office to control video releases, too.

### Proposed Policy Statement

It is the policy of the U.S. Nuclear Regulatory Commission that, should a video news release be developed by the agency, ~~that~~ it is clearly identified as an NRC product and is reviewed and approved by the Office of Public Affairs, in consultation with OGC, before it is issued to ensure compliance with ~~all~~ applicable laws.

[Note: existing text appears in bold]

### Management Directive 5.5, Public Affairs Program

**Objectives:** To ensure that NRC does not develop video news releases to be used to influence pending legislation, promote product sales, or promote status of various industries and to clearly identify the NRC in the text or audio as the originator of all videos news releases prepared by or in cooperation with the NRC.

### **Organizational Responsibilities and Delegations of Authority**

#### Chairman

- As NRC's official spokesperson, makes the final decision on news releases in any form, when necessary, consistent with Commission decision and policy.

#### General Counsel

- Provides legal advice and determinations, for any proposed NRC video releases, on compliance with those provisions of Public Law 109-13, "The Emergency Supplemental Appropriations Act" pertaining to video news releases.

### **Director, Office of Public Affairs (OPA)**

- **Reviews and approves, in consultation with OGC, issuance of any video news releases that are developed by the agency to ensure clear identification in the text or audio that the video is an NRC product and that it complies with all applicable laws governing pre-packaged news stories.**

### **Directors of Offices and Divisions**

- **Coordinate with the Director, OPA: (a)**
  - Proposed news releases -- both written and video -- and other public information documents and actions (I)**

- 2 -

### **Management Directive 3.15, Audiovisual and Photographic Services**

#### **Objectives**

- **To ensure that NRC does not develop audiovisual products or lend its name to products used to influence pending legislation, promote sales of products, or promote status of various industries. See MD 5.5, Public Affairs Program for policy and objectives on video news releases.**

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Approved  
E. B. Brenner  
4/27/06

MEMORANDUM TO: Chairman Diaz  
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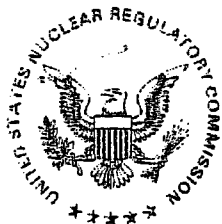
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*Approved, subject to  
the attached comment.*

*[Signature]*  
4/28/06

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## Proposed Policy Statement

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[Note: existing text appears in bold]

## Management Directive 5.5, Public Affairs Program

**Objectives:** To ensure that NRC does not develop video news releases to be used to influence pending legislation, promote product sales, or promote status of various industries and to clearly identify the NRC in the text or audio as the originator of all videos prepared by or in cooperation with the NRC.

## **Organizational Responsibilities and Delegations of Authority**

### **Director, Office of Public Affairs (OPA)**

- Reviews and approves issuance of any video news releases developed by the agency to ensure clear identification in the text or audio that the video is an NRC product and that it complies with all applicable laws governing pre-packaged news stories.

### **Directors of Offices and Divisions**

- **Coordinate with the Director, OPA: (a)**  
– Proposed news releases -- both written and video – and other public

information documents and actions (I)

- 2 -

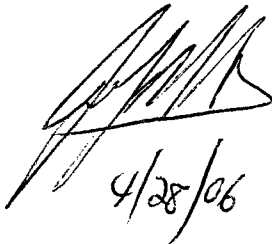
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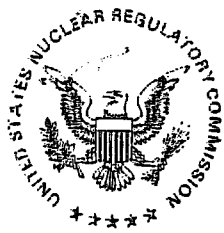
Commissioner Merrifield's comments on COMSECY-06-0024:

I approve the proposed policy statement and modifications to the appropriate management directives concerning controls over video news releases subject to the following comments. While the Office of Public Affairs has an obvious role in these matters, the policy and associated management directives should be modified to reflect that it is the Office of the General Counsel who ensures compliance with all applicable laws. The policy and relevant management directives should also be modified reflect the role of the Chairman in approving video news releases as is the current policy for written press releases.



4/28/06





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*B*  
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Peter B. Lyons  
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