

**From:** Karl Farrar  
**To:** Richard Webster  
**Date:** 01/17/2007 8:16:47 AM  
**Subject:** Re: Request to join conference call between AmerGen, New Jersey and NRC regarding inspection issues

Mr. Webster, I understand your interest in the NRC's inspection activities and meetings with the licensee. As indicated in our telephone conversation yesterday this was a routine meeting with the licensee and members of the public were not included. - Karl

>>> "Richard Webster" <rwebster@kinoy.rutgers.edu> 01/16/2007 6:13 PM >>>  
Mr. Farrar,

Thank you for your prompt attention to this matter. The policy below appears to indicate that "In certain significant cases of high public interest, the regional administrator or the office director, in consultation with the Director of the Office of Public Affairs, may decide it is appropriate to allow public attendance." Because the issues at Oyster Creek are of high public interest, as demonstrated by Governor Corzine's tour of the plant recently and the forthcoming ACRS second meeting, please advise why the Region 1 staff decided that I could not even listen in on the call in this instance.

Once again, thank you for your very prompt follow up. I look forward to your further response in due course.

Regards

Richard Webster  
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Thank you.

>>> "Karl Farrar" <KLF@nrc.gov> 1/16/2007 5:48 PM >>>

Mr. Webster, the following is an excerpt of an internal NRC policy titled NRC Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings. In the Handbook to Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings" in Volume 3, part 1 - "Publications, Mail and Information Disclosure" at pg. 17, where you will find the following policy statement:

"Upon conclusion of an inspection, NRC inspectors meet and discuss with the licensee of a nuclear power plant the preliminary results of their inspection activities (an exit meeting). Because the inspectors' findings are preliminary in that they are subject to NRC management

review, open meetings could result in the inappropriate disclosure of preliminary, unverified information. Therefore, routine inspection exit meetings are generally not open to public attendance. Attendance at the exit meeting by representatives of Agreement States or adjacent States, for example, would be governed by the policy agreed to by a specific State and the NRC concerning attendance by such representative." "(Footnote: In certain significant cases of high public interest, the regional administrator or the office director, in consultation with the Director of the Office of Public Affairs, may decide it is appropriate to allow public attendance or to have a separate public meeting to discuss the results of the inspection or review)."

I hope that this answers your question, please call me at (610) 337-5301 if you have any further questions. - Karl

>>> "Richard Webster" <[rwebster@kinoy.rutgers.edu](mailto:rwebster@kinoy.rutgers.edu)> 01/16/2007 4:50 PM

>>>

Mr. Farrar,

This is to confirm that last Thursday, I called Mr. Conte to request access to the meeting referred to above, which was to be held by telephone conference. Shortly after my request the meeting was canceled, but Mr. Conte informed me that he would advise me if it was rescheduled. Through another source I heard today that the meeting had

been rescheduled for 4 pm today. When I called Mr. Conte at around 3:40

pm he informed me that the meeting was closed to the public because pre-decisional information was to be discussed. He suggested that I direct further questions to the General Counsel's office. That office subsequently directed me to you.

You informed me that the meeting is not a public meeting, but we agree that the information conveyed between the agency and AmerGen could not be protected by deliberative privilege. Instead, NRC's reason for not allowing me to even listen in on the call is that the meeting is a post-exit meeting continuation of the inspection process, from which the public are normally excluded.

After some discussion we agreed that you would either direct me to a written policy that clearly indicates that the public should not be permitted to listen in on such meetings, even when they are held by conference call, or, in the absence of such a written policy, you would confirm to me in writing exactly why I could not listen in on today's call.

I look forward to receiving one of the agreed responses in due course.

Thank you for your time and consideration.

Regards

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**Creation Date** 01/17/2007 8:16:47 AM

**From:** Karl Farrar

**Created By:** KLF@nrc.gov

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