



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

September 20, 2007

James W. Andersen, Chief
 Performance Assessment Branch
 Division of Inspection and Regional Support
 Office of Nuclear Reactor Regulation
 US Nuclear Regulatory Commission
 Washington, DC 20555-0001

SUBJECT: ROP WORKING GROUP PUBLIC MEETINGS

Dear Mr. Andersen:

I benefited from yesterday's reactor oversight process public meeting. But aspects of the meeting make it unnecessarily difficult for members of the public like me to attend these public meetings and to participate in a meaningful way when we do attend. I hope these obstacles to meaningful public participation can be eliminated from future meetings.

The first obstacle is the meeting notice itself. The meeting notice (ML072410438) was dated August 29, 2007, and publicly released on August 31, 2007, satisfying the NRC's procedure to notice most public meetings at least 10 calendar days in advance. But it's the content of the notice rather than its timing that is the obstacle. The meeting agenda attached to the public meeting notice is on the left below. The meeting agenda shared between NRC and the nuclear industry before the meeting is on the right below.

ROP WORKING GROUP PUBLIC MEETING AGENDA		ROP WORKING GROUP PUBLIC MEETING AGENDA			
September 19, 2007 9:00 a.m. - 4:00 p.m.		September 19, 2007 8:00 a.m. - 4:00 p.m. Ballroom 110 Conference Call Line: 800-638-6081 301-221-7533 Pass Code: 5671 Meeting Leader: Joseph M. Ashcraft			
9:00 - 9:05 a.m.	Introduction and Purpose of Meeting	8:00 - 9:00 a.m.	Introduction and Purpose of Meeting	Discuss	Anderson
9:05 - 10:15 a.m.	Discussion of Performance Assessment Branch Topics	9:05 - 10:00 a.m.	Reactor Inspection Branch Topics	Discuss, share information	1. Ashley / Case 2. Anthony / O'Rourke 3-4. Paie
10:15 - 10:30 a.m.	Reactor Inspection Branch Topics	10:00 - 10:30 a.m.	Performance Assessment Branch Topics	Discuss, share information	1. Anderson 2. Keys
10:30 - 10:45 a.m.	Break	10:30 - 10:45 a.m.	Break - Public Input		
10:45 - 12:00 p.m.	Discussion of Performance Indicator Topics	10:45 - 12:00 p.m.	Evidence Interpretation	1. August 2, 07 2-8. Discuss, call agreement	1. Anderson 2-8. Keys
12:00 - 1:00 p.m.	Public Input - Lunch				
1:00 - 2:00 p.m.	Discussion of Open and New PI Frequently Asked Questions				
2:30 - 2:45 p.m.	Break				
2:45 - 3:45 p.m.	Continuation of Discussion of Open and New PI Frequently Asked Questions				
3:45 - 4:00 p.m.	Future Meeting Dates and Topics				
4:00 p.m.	Public Input - Adjourn				

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A member of the public reviewing the meeting agenda learns that it's unlikely the 9:05 am to 10:15 am discussion will cover whether OJ Simpson is or is not guilty of armed robbery in Las Vegas. But that member of the public probably won't guess that this discussion topic will focus on RIS 2007-21 or changes to the Significance Determination Process appeal chain. Likewise, the public meeting notice indicates the 10:15 am to 10:30 am discussion probably won't cover whether the \$500,000 fine levied on Patriots' head coach Bill Belichick is warranted or appropriate. The secret NRC/industry meeting notice informs potential attendees that this topic covers safety culture issues and doesn't force them to guess what's being discussed. The public meeting notice indicates the 1:00 pm to 2:30 pm period will cover new PI frequency asked questions (FAQs). The secret NRC/industry meeting notice identifies the FAQs to be for Kewaunee, Ft. Calhoun, DC Cook, Duane Arnold, et al. And since the industry had the secret agenda and didn't have to rely upon the public meeting notice, the representatives from these plants participated in yesterday's meeting. Members of the public tracking those plants did not participate – perhaps because they could not guess from the public meeting notice that their plants of interest would be discussed.

The public meeting notice is just this side of totally useless. Just as movie marquees would not attract many patrons if they simply stated "Talkie" or "Musical" or "Western" or stated when some untitled movie would start, a public meeting notice without a hint of specificity provides no assistance to a member of the public in deciding whether to participate or not. Making matters worse, the meeting specifics are known in advance, as evidenced by the secret meeting agenda that was shared between NRC and industry but with-held from the public. The last item on the agenda during yesterday's meeting was to specifically identify what topics, what FAQs, and what plant issues would be covered during the October 18th public meeting. I fully expect to see comparable specifics in the public meeting notice for that meeting, since it is known to the NRC now. From personal experience, I can attest to how difficult it is to decide to attend an NRC public meeting when its notice merely indicates that "nuclear stuff" will be discussed. It's unacceptable when the meeting notice lacks details that are readily known at the time.

The second obstacle to meaningful public participation in ROP working group meetings is the Category 2 status assigned to the meetings. Category 2 status means that the public can watch the goings on but can comment or ask questions only during designated portions. The agenda attached to the meeting notice for yesterday's meeting designated two periods for public participation: (1) between noon and 1 pm when everyone else was at lunch, and (2) at 4 pm after the meeting adjourned. We discussed this situation during the morning break and you encouraged me to speak up whenever I wanted. I appreciate this dispensation, but don't like imposing on other stakeholders in the meeting. NRC public meetings should be conducted as advertised. This one was advertised as a Category 2 meeting and stakeholders attending it have every right to expect it to be conducted as such. Thus, while you might be okay with me chiming in whenever the urge strikes, other stakeholders (i.e., John Butler and the industry representatives) have every right to expect me to confine my ramblings to the lunch period and after the meeting is adjourned as the notice specifies.

If the ROP working group meetings are truly intended to permit full participation by all stakeholders and not just a chosen subset, it would be advertised as a Category 3 meeting in accordance with the Commission's May 28, 2002, policy statement (available online at <http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html>). If it's advertised as a Category 2 meeting, I will confine my comments and questions during future meetings to the designated public appeasement periods.

I both hope and expect that future ROP working group meetings will be advertised and conducted as Category 3 meetings.

By providing proper notice of the meeting agendas and allowing fuller participation during the meetings, meaningful public participation can be restored to this NRC process.

Sincerely,

A handwritten signature in cursive script, appearing to read "David A. Lochbaum". The signature is written in dark ink and is positioned below the word "Sincerely,".

David Lochbaum
Director, Nuclear Safety Project
Washington Office