

October 27, 1994

The Honorable Jim Sasser
 United States Senate
 Washington, DC 20510

Dear Senator Sasser:

I am responding to your letter of October 12, 1994, to Chairman Selin, in which you forwarded a letter dated August 30, 1994, from your constituent, Ms. Joyce Proffitt. We had received Ms. Proffitt's letter previously, and a copy of our September 20, 1994, response to her is enclosed for your information.

The NRC staff makes reasonable attempts to hold meetings of significant interest to the local public at or near the nuclear power plant that is the subject of the meeting. Currently, the NRC staff holds as many meetings as practicable at or near the Watts Bar site. Unfortunately, logistics and the schedules of NRC personnel do not permit holding every public meeting near the plant. In our letter of September 20, 1994, we informed Ms. Proffitt of the availability of meeting summaries at the local public document room. We also intend to ask Ms. Proffitt if she would like to be placed on the distribution list for summaries of meetings related to Watts Bar.

I trust the enclosed letter will help you in your response to Ms. Proffitt.

Sincerely,
 Original signed by
 James M. Taylor
 Executive Director
 for Operations

Enclosure: As stated

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* Editor has concurred on letter to Hon. Clement; that letter is identical to this one.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 20, 1994

Ms. Joyce Proffitt, Commissioner
Meigs County Commission
Route 1 Box 249
Decatur, TN 37322

SUBJECT: WATTS BAR NUCLEAR PLANT - PUBLIC PARTICIPATION IN, AND LOCATION OF,
OPEN NRC MEETINGS (TAC NOS. M40309 AND M40310)

Dear Ms. Proffitt:

I am responding to your letter of August 30, 1994, to Chairman Selin. In that letter you requested that all future public meetings concerning Watts Bar be held in your local community, and that all meetings be held in "open dialogue format," in which public officials and concerned citizens can ask questions and receive answers from the appropriate officials.

The NRC staff follows a policy on open meetings which allows the public to attend most meetings between the NRC staff and utility representatives. This policy was approved by the Executive Director for Operations and published in the *Federal Register* on June 28, 1978 (43 FR 28058, Enclosure 1). On September 14, 1993, the NRC published a revised Policy Statement in the *Federal Register* for public comment (58 FR 48080, Enclosure 2). Although the 1978 policy covered only meetings between the NRC and parties to proceeding, the proposed Policy Statement reflects the NRC's longstanding practices of giving the public the fullest information possible on its activities and of conducting business in an open manner by establishing uniform guidelines for the NRC staff. The final Policy Statement is expected to be published by the end of September 1994, and a copy will be sent to you when it is published.

The NRC staff makes reasonable attempts to hold meetings of significant interest to the local public at or near the nuclear power plant which is the subject of the meeting. For example, all SALP (systematic assessment of licensee performance) meetings with licensees are held near the nuclear power plant being evaluated. Unfortunately, logistics and schedules of NRC personnel do not permit holding every public meeting near the plant. However, we will continue to hold many of the Watts Bar meetings near the plant.

Meeting summaries and all correspondence between Watts Bar and the NRC are available for public viewing at the local public document room (LPDR), at the Chattanooga-County Library, 1001 Broad Street, Chattanooga, Tennessee 37402. The only restrictions would apply to Safeguards information and confidential or proprietary information which are protected in accordance with the Commission's regulations. Ms. Patricia Maroney can assist you at the LPDR, and she can be reached by telephone at (615) 757-5351. If not successful, information can also be obtained from Ms. Jona Souder, the LPDR Manager, or Ms. Teresa Linton, via the NRC toll free number (800) 638-8081.

94-10060-86

J. Proffitt

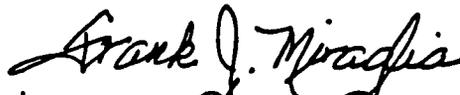
- 2 -

It has been the NRC's practice that meetings between the NRC staff and licensee representatives to exchange information regarding the safe operation of a nuclear power plant be open so that interested parties may attend as observers. If participation (beyond observation) is allowed for a particular meeting, the degree of participation will be specified when the meeting is announced and at the outset of the meeting by the senior NRC official participating in the meeting.

You should understand that the NRC's Policy regarding opening meetings to the public balances competing interests: the need for the NRC and the licensee to exchange technical information, and the right of the public to observe that process. One of the Commission's major efforts in recent years has been to open meetings to the maximum extent possible, consistent with the concern for exchanging technical information. The NRC staff member in charge of the meeting may, at his or her discretion, accept questions from observers after the formal agenda is completed. After the meeting, observers may supply any information they believe relevant to the NRC, or they may submit comments on the information presented at the meeting to the NRC staff. While the NRC welcomes public involvement, it has been our experience that this meeting format, as opposed to the "open dialogue format," is the most practical one to exchange technical information.

I hope this letter addresses your requests. Let me assure you that the Commission respects and protects the public's right of involvement in activities and events ongoing at the nuclear facilities under our regulatory jurisdiction. Please feel free to contact the Project Manager, Mr. Peter Tam (301-504-1451), if the NRC staff can be of further assistance.

Sincerely



William T. Russell, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-390 and 50-391

- Enclosures:
1. *Federal Register* Notice,
June 28, 1978
 2. *Federal Register* Notice,
September 14, 1993

Enclosure 1

Current Policy on Open Staff Meetings (43 FR 28058, June 28, 1978)

28058

NOTICES

0.34 inch in diameter, all the foregoing of iron or steel, provided for in items 644.12, 644.34, 644.36, and 644.63 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(FR Doc. 78-17870 Filed 6-27-78; 9:43 am)

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL SCHOOL RESOURCE CENTERS

Solicitation

The Office of Juvenile Justice and Delinquency Prevention announces a competitive grant program focusing on the problem of school violence and vandalism. The objective of this solicitation is development of a school resource network that provides assistance to students, teachers, parents, security personnel, school administrators, and community personnel. The national network is to include a national school resource center and four regional school resource centers. The national network will help local schools and school districts design and implement school violence and vandalism prevention programs through training, technical assistance, and advocacy that result in changes in school response to youth behavior.

At the present time, there is no national strategy to assist schools in dealing effectively with school crime. Resources are minimal and fragmented. Many local programs are developed solely in the interest of security. They fail to accomplish their objectives, fail to address the real needs of the school systems, and fail to provide benefits that are consistent with their costs. A national school resource network dedicated to advocacy, reform, and a safer environment for students and teachers is needed to provide overall direction and coordination of existing and new school resources.

Preliminary applications in response to this announcement are due November 1, 1978. While it is anticipated that only one grant award will be made, subgrant arrangements are both acceptable and encouraged. The grant period will be for a duration of fifteen (15) months; the award amount will be up to a maximum of \$2,500,000. Preliminary applications will be considered only from public and private non-profit agency, organizations, and institutions. All such agencies, organizations, and institutions must have demonstrated experience in dealing with youth.

Copies of the program guidelines will be released on August 1, 1978, and can be obtained by contacting the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Depart-

ment of Justice, 433 Indiana Avenue NW., Washington, D.C. 20531.

JOHN M. RARROE,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

(FR Doc. 78-17870 Filed 6-27-78; 9:43 am)

[7590-01]

NUCLEAR REGULATORY COMMISSION

DOMESTIC LICENSE APPLICATIONS

Open Meetings and Statements of NRC Staff Policy

The Nuclear Regulatory Commission's (NRC's) regulations in 10 CFR 2.102 permit applicants to confer informally with the NRC technical staff during reviews of domestic license or permit applications. These meetings have served as an essential means for the exchange of technical information and views necessary for the technical review of applications. For several years other parties or potential parties to domestic licensing proceedings, as well as members of the general public, have, upon request, been permitted to attend applicant-NRC technical staff meetings as observers. However, the Commission's regulations do not require that others be permitted to attend such informal meetings between applicant and staff, and the general practice being followed in this regard has never been formally articulated. This statement is intended to provide such articulation. It is also noted that this matter is related to the provision for increased public participation which was approved by the Commission during its consideration of NUREG 0292 (Denton Report).

As a general matter, the Commission and staff try to involve concerned citizens in any Commission activity in which they have expressed an interest. All meetings conducted by the NRC technical staff as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to attendance by all parties or petitioners for leave to intervene in the case. These meetings are intended by the NRC technical staff to facilitate an exchange of information between the applicant and the staff. It is expected that the NRC technical staff and the applicant will actively participate in the meeting. Others may attend as observers. Likewise, when meetings are scheduled between the staff and other parties or petitioners, applicants would be permitted to attend only as observers.

The general policy of open meetings described above will admit of only a few exceptions, which must be approved by the Director of the relevant

division. For example, some persons may not be permitted to attend meetings where classified or proprietary information (including sensitive safeguards information) is to be discussed. The NRC staff will prepare a written summary of the unclassified and non-proprietary portions of such meetings and forward the summary to interested persons unable to attend so that they will be informed of what transpired at the meeting. However, attendance will not be limited solely because preliminary opinions, recommendations, or advice will be offered on the merits of the applications during the meeting.

When a party or petitioner for leave to intervene requests, reasonable efforts will be made by the NRC staff to inform the party or petitioner of forthcoming meetings conducted by the NRC technical staff so that appropriate arrangements for attendance can be made. It is recognized that in some cases the need for a prompt meeting may make it impossible or impracticable to notify all parties and petitioners. The policy described above also cannot practically be applied to chance encounters between NRC technical staff personnel and other parties or petitioners but such chance encounters will not be permitted to serve as a source of information for the conduct of licensing reviews.

Dated at Bethesda, Md. this 20th day of June, 1978.

For the Nuclear Regulatory Commission.

LEE V. COSSICK,
Executive Director for Operations
(FR Doc. 78-17816 Filed 6-27-78; 9:43 am)

[7590-01]

(Docket No. 30-719)

JERSEY CENTRAL POWER & LIGHT CO.

Petition for Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Operating License No. DPR-18, issued to Jersey Central Power & Light Co. (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, N.J. The amendment is effective 30 days after the date of its issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety

Enclosure 2

**Proposed Policy Statement on Staff Meetings Open to the Public
(58 FR 48080, September 14, 1993) published for public comment**

Projects and Services to the Field Section) to the National Council on the Arts will be held on September 28-29, 1993 from 9 a.m. to 5:30 p.m. This meeting will be held in room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 4 p.m. to 5:30 p.m. on September 29, 1993 for a policy discussion and guideline review.

The remaining portions of this meeting from 9 a.m. to 5:30 p.m. on September 28, 1993 and from 9 a.m. to 4 p.m. on September 29, 1993 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682-5439.

Dated: September 8, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93-22362 Filed 9-13-93; 8:45 am] BILLING CODE 7537-01-0

Meeting: Theater Program Task Force

Notice is hereby given that a meeting of the Theater Program Task Force will be held on September 27, 1993 from 9:30 a.m. to 5 p.m. in room M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9:30 a.m. to 9:45 a.m.

for introductions and a re-cap of the August 23, 1993 Task Force Meeting, and from 4 p.m. to 5 p.m. for a discussion of how to communicate task force ideas to the field.

During the remaining portion of this meeting from 9:45 a.m. to 4 p.m., the Task Force will discuss non-public commercial or financial information of intrinsic value, and will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals submitted with grant applications, (e.g., personal biographical and salary data or medical information) as well as discussion of deliberations of specific panels on which Task Force members have served (information which remains confidential even after the final grant decision is made), will be conducted by the Task Force in closed session in accordance with subsection (c)(6) of 5 U.S.C., 552.

Any interested person may attend, as observers, the portion of the Task Force discussions which is open to the public, on a space available basis.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682/5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682/5439.

Dated: September 8, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Art.

[FR Doc. 93-22363 Filed 9-13-93; 8:45 am] BILLING CODE 7537-01-0

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Mathematical Sciences.

Date and Time: September 28-29, 1993; 9 a.m. to 5 p.m.

Place: Room 500A, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Kent Wilson, Special Assistant, MPS, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357-7995.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-22360 Filed 9-13-93; 8:45 am] BILLING CODE 7550-01-0

NUCLEAR REGULATORY COMMISSION

Staff Meetings Open to the Public; Proposed Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed policy statement; request for comment.

SUMMARY: This proposed policy statement presents the guidance which the Nuclear Regulatory Commission (NRC) staff proposes to follow in opening meetings between the NRC staff and one or more outside persons to public observation. The proposed policy statement applies solely to NRC staff-sponsored and conducted meetings and not to meetings conducted by outside entities that NRC staff members might attend and participate in. This policy also announces proposed central agency services available to the public for obtaining schedules for the staff meetings that are open to public attendance. The policy will be issued to the NRC staff as a management directive. Comments are invited on this policy and on the specific concerns raised by the American Mining Congress set forth in this document. DATES: Comment period expires November 15, 1993. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington DC 20555. Attn: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT:

Donnie H. Grimsley, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: (301) 492-7211.

SUPPLEMENTARY INFORMATION:

PROPOSED STATEMENT OF POLICY

A. Introduction

The NRC has a longstanding practice of providing the public with the fullest information practicable on its activities and of conducting business in an open manner, while balancing the need for the NRC staff to exercise its regulatory and safety responsibilities without undue administrative burden. This policy is wholly a matter of NRC discretion and can be and will be departed from as NRC convenience and necessity may dictate. This policy supersedes the policy approved by the Executive Director for Operations that was published in the Federal Register on June 28, 1978 (43 FR 28058).

B. Definition of Public Meeting:

1. A public meeting is a planned, formal encounter between one or more NRC staff members and one or more outside persons with the expressed intent of discussing substantive issues that are directly associated with NRC's regulatory and safety responsibilities. This policy applies solely to NRC staff-sponsored and conducted meetings and not to meetings conducted by outside entities that NRC staff members might attend and participate in.

2. An outside person is any individual who is not—

- a. An NRC employee;
- b. Under contract to the NRC;
- c. Acting in an official capacity as a consultant to the NRC;
- d. Acting in an official capacity as a representative of an agency of the executive, legislative, or judicial branch of the U.S. Government (except when the agency is subject to NRC regulatory oversight);
- e. Acting in an official capacity as a representative of a foreign government.

C. Exemptions

1. This definition applies to meetings between the NRC staff and outside persons. It does not apply to the Commission or offices that report directly to the Commission. Similarly, it does not apply to meetings between the NRC staff and representatives of State governments, including Agreement State representatives, relating to NRC

Agreement State activities or to State regulatory actions or to other matters of general interest to the State or to the Commission, that is, matters other than specific NRC licensing or regulatory actions involving specific licensees. Also, the definition of a public meeting is not intended to apply to or supersede any existing law, rule, or regulation that addresses public attendance at a specific type of meeting. For example, 10 CFR part 7 specifically addresses public attendance at advisory committee meetings; 10 CFR part 2, appendix C, addresses public attendance at enforcement conferences; and 10 CFR part 9, subpart C, addresses public attendance at Commission meetings.

2. In general, meetings between the NRC staff and outside parties will be classified as public meetings unless the NRC staff determines that—

The subject matter to be discussed—

- a. Is specifically authorized by an Executive Order to be kept secret in the interests of national defense or foreign policy (classified information);

- b. Contains trade secrets and commercial or financial information (proprietary information);

- c. Contains safeguards information;
- d. Is of a personal nature where such disclosure would constitute a clearly unwarranted invasion of personal privacy;

- e. Is related to a planned, ongoing, or completed investigation and/or contains information compiled for law enforcement purposes;

- f. Could result in the inappropriate disclosure and dissemination of preliminary, unverified information;

- g. Has no direct, substantive connection to a specific NRC regulatory decision or action;

- h. Indicates that the administrative burden associated with public attendance at the meeting could result in substantially interfering with the NRC staff's execution of its safety and regulatory responsibilities.

3. It is important to note that whether or not a meeting should be open for public attendance is dependent primarily on the subject matter to be discussed, not on whom within the NRC staff is participating (e.g., staff level versus senior management).

D. Notice to the Public

Normally, meeting announcement information is to be provided by the staff to the agency's meeting announcement coordinator at least ten days in advance of the date of the meeting so that adequate notice can be made to the public. Public notice will be provided weekly via a press release and posting in the agency headquarters

Public Document Room, 2120 L Street (Lower Level) NW., Washington, DC. The public may obtain a schedule of agency staff meetings via a toll-free telephone recording and toll-free electronic bulletin board (telephone numbers to be announced when the final policy statement is announced).

Meetings which are scheduled for the next 60 days will be announced to the public. Meeting announcements will include the date, time, and location of the meeting, as well as its purpose, the agency and outside organizations in attendance, and the name and telephone number of the agency contact for the meeting. Information about canceled, rescheduled, and open meetings scheduled on short notice will be updated daily or as needed via the posting at the agency Public Document Room, the telephone recording, and the electronic bulletin board.

Discussion of the Policy

The purpose of revising the open meeting policy is to further the goal of giving meaningful opportunities for the public to be informed of NRC activities without unduly affecting open and candid discussions between licensees and the NRC staff or interfering with the staff's ability to exercise its regulatory and safety responsibilities without undue administrative burden. The policy also provides staff guidance regarding what types of meetings should be open to public observation. The meeting policy is wholly a matter of NRC discretion and can be and will be departed from as NRC convenience and necessity may dictate.

The policy distinguishes between a planned, formal encounter from one that occurs informally, such as when an NRC official finds that an opportunity comes available while at a licensee's site to meet with a new plant manager or with a corporate official who is visiting the site, or when a licensee official attending an open meeting at an NRC office finds the Regional Administrator has time to visit with him for a short period. Such informal meetings are limited to those that do not have the express intent of discussing substantive issues that are directly associated with the NRC's regulatory and safety responsibilities.

The policy excludes meetings where the express intent is not to discuss substantive issues that are directly associated with NRC's regulatory and safety responsibilities. Such meetings could include training, conferences, and association meetings where both NRC staff and applicant/licensee officials participate. The policy also excludes meetings the NRC staff has with its own

employees, contractors, and consultants, other Federal government agencies where the matter does not relate to a specific activity for which NRC has oversight, and with representatives of foreign governments and State representatives on matters other than relating to specific NRC licensing or regulatory actions involving specific licensees.

The exceptions to staff meetings that will be open to the public permit meetings to be closed to ensure that classified, commercial or financial proprietary, safeguards, personal privacy and investigative information protected by statute or otherwise requiring protection is not disclosed to the public. The final three exceptions ensure that the staff has sufficient flexibility to carry out their responsibilities without being inhibited by the need to announce the meeting as one open to the public where it would interfere with the performance of the Commission's safety and regulatory responsibilities.

A meeting to discuss preliminary, unverified information is not an open meeting under the policy. The purpose of this exception is to ensure that licensees and applicants will not be inhibited in bringing to the Commission information that is preliminary in nature or is not verified or sufficiently analyzed to draw firm conclusions. It also ensures that discussions about potential implications of this information occur candidly and openly without fear that they may be misunderstood by the public as fact or as final conclusions.

A meeting where the subject matter has no direct, substantive connection to a specific NRC regulatory decision or action is not an open meeting under this policy. The purpose of this exception is to ensure that routine administrative matters relating to regulatory activities can be carried out efficiently. Meetings to discuss the status of actions, schedules for NRC action, an applicant's or licensee's activities, or general issues not directly related to a decision or action before the staff would not be open meetings under this exception.

The final exception is for meetings where the administrative burden associated with public attendance could result in substantially interfering with the NRC staff's execution of its safety and regulatory responsibilities. This exception ensures that the staff has the discretion to have a needed meeting on short notice where adequate public notice cannot be provided without placing an undue burden on the agency. The meeting could be necessary because of an urgent issue that needs addressing

or where the opportunity becomes available on short notice to meet with an official of the applicant or licensee that would benefit the staff person in carrying out his or her duties. The meeting also might be in a location that does not have the facilities to easily accommodate the public, such as short morning meetings of resident inspectors with the plant manager, because such would require a daily effort to establish access authorization to protected areas. The meeting may not be able to be scheduled with sufficient definiteness to permit adequate public notice, such as when an inspector conducts an exit meeting with an applicant/licensee official at the conclusion of a routine inspection. A meeting with an applicant/licensee where agency staff is responding to a significant safety or safeguards event would not be open under this exception because to open such a meeting would be an undue burden on inspectors in that it would interfere with their safety and regulatory responsibilities at a time when they are focused on understanding and resolving significant safety or safeguards problems. Similarly, NRC inspections are not public meetings under this policy.

The system planned for providing public notice of all NRC staff open meetings will have a single toll-free telephone recording and an electronic bulletin board for providing meeting notice information. Open staff meetings will also be announced by a weekly press release as well as being posted in the agency's Public Document Room, as is the current practice.

American Mining Congress Concerns

The American Mining Congress (AMC) has expressed concerns on the agency's interim policy on open staff meetings. The interim policy is similar to the proposed policy statement. It has been used by the Office of Nuclear Reactor Regulation, Office for Analysis and Evaluation of Operational Data, and NRC regional offices since September 1992. The proposed policy statement differs from the interim policy statement in that several exemptions have been clarified. Several of these changes may have addressed the concerns of AMC. However, since the concerns raise issues that may still be applicable to the current policy statement, they are being presented and comments are invited on them.

First, the AMC expressed the concern that the policy definition is too broad and the exemptions are not adequate to provide licensees with a clear understanding on how the policy will be implemented.

Second, they expressed the concern that the policy adds little value to existing procedures and opportunities for meaningful and appropriate public participation and would create a substantial hindrance in important, ongoing communications between NRC and its licensees.

Third, the AMC believes that the policy is in conflict with 10 CFR 2.102, which permits staff to request applicants and licensees to confer informally with the staff and that the policy will likely discourage licensees from reporting and resolving compliance issues with NRC staff because it mandates public notice and potential access to the meetings by third parties. Also, the AMC believes that resolution of technical and enforcement matters will be protracted and more contentious than under the present policy and may often result in more litigation because it would chill the free exchange of ideas and information, and, in effect, create a significant roadblock to fulfillment of the Commission's regulatory responsibilities.

Fourth, the AMC saw the need for meetings to be scheduled in advance to ensure adequate public notice as hindering the regulatory process because it could prevent meetings from being held on short notice to resolve issues of immediate concern and could delay resolution of routine matters such as those relating to schedules.

Fifth, the AMC expressed concern that the policy would require increased expenditures by NRC and licensees to organize and monitor the meetings and respond to public comments. Also it stated that licensee fees should not be charged to cover meeting expenses unless the outside party also pays.

Sixth, the AMC expressed concern that the meetings will be used by outside parties to advance their personal agendas and stated that technical meetings between the NRC and licensees are not the proper forum for raising public policy issues.

Dated at Rockville, Maryland, this 8th day of September, 1993.

For the Nuclear Regulatory Commission,

Samuel J. Chalk,

Secretary of the Commission.

[FR Doc. 93-22391 Filed 9-13-93; 8:45 am]
GALLUS CODE 700-01-0

Power Authority of the State of New York; James A. FitzPatrick Nuclear Power Plant; Partial Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has