

CHAPTER VII – CONGRESSIONAL HEARINGS

CONGRESSIONAL HEARINGS

The Chairman, as official spokesman for the agency, or his designee, is responsible for presenting the agency's testimony for Congressional hearings. Commissioners will testify at Congressional hearings when invited to do so by the Congress and may elect to attend at other times.

PREPARATION OF TESTIMONY AND SUPPORTING INFORMATION

1. Planning Meetings

- Upon learning of a potential Congressional hearing where NRC may be asked to testify, either informally or through a letter of invitation, OCA will immediately notify the Commission and an initial planning meeting will be set up by the Director of Congressional Affairs with the Chairman or his/her designee. Attendees may also include the Executive Director for Operations (EDO) and the General Counsel (or their designees), as well as other office directors or their designees, as appropriate. A representative from each Commissioner's office may also be invited to attend.
- The purpose of the initial planning meeting is to identify and discuss: (1) the objective(s) of and key topics for the hearing; (2) who should testify for the NRC; (3) NRC's role in the hearing and key messages to be incorporated into the testimony; (4) what backup material is required (questions and answers, plant information summaries, etc.); (5) the role of other hearing panel participants, if applicable; and (6) relevant supporting documents (GAO reports, etc.) that might provide insight as to the scope and purpose of the hearing.
- Additional meetings may be scheduled by the Chairman and/or OCA to prepare the witness for the hearing. The topics to be covered at these briefings include: any last minute intelligence and logistics, questions the witness may be asked, and discussion of the oral statement by the witness. Typically attendance should be kept to a minimum subject to the needs of the witness, and may include the heads of OCA, OPA, EDO, OGC, CFO, or their designee, and a representative from the Chairman's Office (if he/she is not the NRC witness) should attend. Other office directors may be invited depending on the Congressional entity conducting the hearing and the subject matter. As a recommended collegial practice, a representative from each Commissioner's office may be invited to such a meeting for hearings at which the entire Commission will testify. OCA will also keep Commissioner offices informed through the Chiefs of Staff meetings.

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2. Preparation of Testimony and Supporting Information

- The Director of OCA should establish, based on the outcome of the initial planning meeting, and with input from OEDO/OGC, the expected products and overall schedule, with specific milestones, to ensure the timely delivery of a high quality product to the Commission for review and approval and to the Congress for presentation.
- OCA and the staff shall designate the lead individuals for each hearing who will be responsible for coordinating preparation of the testimony and hearing materials utilizing NRC staff input. The EDO and/or General Counsel, as appropriate, will assign one staff individual (at the OEDO level) the responsibility, authority, and accountability for facilitating preparation of input materials for the hearing and providing them to OCA. This staff person must remain cognizant of the status of the prepared materials and assist OCA in the timely delivery of the required materials to the Commission for review and approval and to Congress, and any pre-hearing and post-hearing agency follow-up work. The final draft testimony must be timely so that the Chairman will be afforded enough time to review the document and allow the Chairman's Office to forward the testimony to the Commissioners for comment and approval at least 3 business days prior to the scheduled deadline for submittal to Congress. Time must also be provided for OMB review of draft testimony addressing budgetary needs (e.g., appropriations or authorization bills).
- OCA will provide information for the hearing as appropriate. The Questions and Answers (Q's and A's) must be concise; contain messages consistent with the testimony; address key areas of Congressional concern as we understand them; and address related GAO, IG, or other report findings. Any new information should be brought to the specific attention of the Commission. The information should be provided to the Chairman and Commissioner offices at least one week in advance of the hearing or earlier if directed by the Chairman.
- If a Commissioner wishes to have his or her separate views noted in the Chairman's testimony, he or she is urged to provide input to the Chairman and the other Commissioners when his or her comments are provided on the draft testimony. A Commissioner may provide his or her own written testimony or an oral statement at the hearing when the Commission is invited to testify in accordance with the committee's invitation letter. In general, the Commission submits only one written testimony that has been coordinated among all Commission offices.
- Under the Budget and Accounting Act of 1921 and implementing guidance issued by the Office of Management and Budget (OMB), budget-related

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testimony must be submitted to OMB for clearance prior to its submission to Congress. Submission to OMB occurs after the Commission has reviewed and approved the testimony.

COMMITMENTS AND POST-HEARING QUESTIONS

During the course of a Congressional hearing, officials who testify on behalf of the NRC occasionally make commitments to provide additional information at a later date. Witnesses are also frequently asked to supply documents or information for the hearing record. In other situations, witnesses may promise to examine a particular matter and report back to an individual Member of Congress. Specific guidelines and procedures for tracking commitments made in Congressional hearings and forwarding responses to Congress are as follows:

- Typically OCA will receive correspondence from the Committee with the Questions for the Record (QFRs). These QFRs are directed typically to the Chairman for response on behalf of the Commission but may be directed to the Chairman for response in his or her individual capacity. Other members of the Commission may receive QFRs requesting their individual response. These QFRs will be assigned by SECY to the EDO, CFO, or the appropriate Commission-level office to develop responses to the QFRs. A suspense date is negotiated with the EDO or appropriate Commission-level office depending on the requested due date. Draft QFR responses will be circulated to the Commission for review and approval at least 5 business days before delivering them to Congress. For QFRs directed to the Chairman for response on behalf of the Commission, Commissioners note their approval, or comments and changes, if any, on the proposed responses and transmit them to OCA with information copies to other Commissioner offices. Comments and changes suggested by Commissioners are considered by OCA in consultation with the Chairman for incorporation. Comments or changes supported by a majority of the Commission will be incorporated into the responses. QFR responses with substantive changes (i.e., changes other than grammar or syntax) will be promptly recirculated to the Commission for a 3-business-day period prior to dispatch to ensure that a majority view of the Commission is reflected. If it is not possible to meet the 3-business-day deadline, OCA will promptly inform the Commission that the recirculated responses will be delayed and the Commission may determine, by majority, whether to seek an extension from Congress or to review the recirculated responses on a shortened time frame. Commissioners may provide views on the recirculated version of the responses to the Chairman and OCA. OCA distributes to Commissioner offices a copy of the final QFR responses transmitted to Congress.
- QFRs directed to an individual member of the Commission will be responded to by that member. Staff will provide draft responses and technical assistance as requested.

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- If information requested during the hearing is to be provided in a form other than signed correspondence (e.g., documents intended as inserts for the hearing record), OCA will track the commitment and provide it to the Commission for information 5 business days before delivering it to Congress.
- Post-hearing communications with the Senate or House Appropriations Committees are handled jointly by the CFO and OCA and response time schedules are set by the CFO in coordination with the Chairman and OCA.
- Documents for Congress that are publicly available do not have to be cleared with the Commission before they are provided to Congress.
- Copies of hearing transcripts where the Commission has testified will be distributed to Commissioners by OCA for the purpose of each Commissioner editing his or her own testimony. OCA will compile Commissioner edits into the final edited transcript.
- Copies of hearing transcripts where the Staff has testified will be distributed to the appropriate EDO, CFO, and Commission-level offices by OCA for editing. OCA will prepare the final edited transcript.
- OCA will transmit inserts for the hearing record along with the edited hearing transcript. All items will be transmitted promptly to Congress.