

POLICY ISSUE
(Notation Vote)

January 11, 2018

SECY-18-0005

FOR: The Commissioners

FROM: Victor M. McCree
Executive Director for Operations

SUBJECT: POLICY STATEMENT ON ENHANCING PARTICIPATION IN U.S.
NUCLEAR REGULATORY COMMISSION PUBLIC MEETINGS

PURPOSE:

To request Commission approval to publish the enclosed final policy statement, "Enhancing Participation in U.S. Nuclear Regulatory Commission (NRC) Public Meetings," in the *Federal Register* (Enclosure 1). The revisions are intended to improve the consistency of NRC public meetings and help individuals better prepare for a meeting by illustrating the level of public participation to be offered for each type of meeting.

BACKGROUND:

In SECY-16-0007, "Proposed Revisions to Policy Statement on Enhancing Public Participation in NRC Meetings," dated January 22, 2016 (Agencywide Document Access and Management System (ADAMS) Accession No. ML15282A074), the NRC staff provided its proposed revisions to the NRC's policy statement on public meetings. The revised policy statement modified the public meeting categorization system and redefined the three categories of public meetings. The revised statement also included topics such as civility at NRC public meetings and staff innovation with meeting formats. In the staff requirements memorandum (SRM) for SECY-16-0007, dated June 24, 2016, (ADAMS Accession No. ML16176A227), the Commission approved the revised policy statement for publication in the *Federal Register*. The Commission

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directed the staff to, among other things: 1) hold a public meeting related to the revised policy statement in order to have a dialogue on the clarity of expectations for and by stakeholders at NRC public meetings; and 2) provide the Commission, through a Commissioners' Assistants Note, information on the resources needed to revise the public meeting notification system.

The draft revisions to the policy statement were published in the *Federal Register* on August 31, 2016 (81 FR 60026). On September 30, 2016, the staff conducted a public meeting to provide information regarding the proposed revisions to the policy statement (ADAMS Accession No. ML16274A128). Additionally, the staff provided information regarding the proposed revisions to the policy statement in a September 19, 2016, blog post (<https://public-blog.nrc-gateway.gov/2016/09/19/back-to-basics-seeking-comment-on-a-new-commission-public-meeting-policy/>).

DISCUSSION:

The NRC staff received 30 comments from seven members of the public. Based on the public comments, the staff made several modifications to improve the clarity of the policy statement, which are summarized below.

1. The staff updated the "Level of Participation" section for Observation Meetings to clarify that members of the public can pose questions to the NRC during Observation Meetings and that licensees or other meeting participants are not precluded from responding to questions during these meetings.
2. The staff updated the "Notice and Access" section of the policy statement to state that the NRC will ensure that public meeting notices are sent out to interested stakeholders using the mechanisms available, such as the applicable NRC listservs.
3. The staff updated the "Participation in NRC Public Meetings" section to include a statement that the NRC staff should always be open to listening and responding to members of the public, even when the staff is not soliciting formal public comment.
4. The staff has updated the "Notice and Access" section of the policy statement to state that the NRC will ensure that available ADAMS documents related to the topic of the meeting are linked to the meeting notice as background documents to the extent practical.
5. The staff has updated the descriptions of all three categories of meetings including a statement that the NRC should strive to ensure there is sufficient time for the meetings so that members of the public can pose their questions and have time for answers during the meeting. Additionally, whether all questions are addressed during the meeting or not, the NRC should emphasize ways for members of the public to ask questions outside of the meeting.

The staff disagreed with three of the public comments. The staff disagreed with a comment that bridge line numbers should be included in all meeting notices. There are times when the staff requests that those interested in calling in to a meeting contact a staff member for the bridge line information so that the staff can gain an understanding in advance of how many participants may be calling in to a meeting. The staff also disagreed with two comments that the NRC should notify the public one month in advance of public meetings, stating that the NRC policy is

to post meeting notices a minimum of 10 days before a meeting and, if at all possible, the staff announces meetings earlier. The staff believes that the current policy of providing a minimum of 10 days notice before a public meeting provides the public with sufficient notice of upcoming public meetings without compromising the staff's ability to conduct public meetings on time-sensitive or emerging issues.

The staff concluded that the remaining comments were either already included in the proposed policy statement or that the comments were best addressed in detail in staff-level guidance. The staff's response to all of the public comments is enclosed with this paper (Enclosure 2).

RECOMMENDATION:

The staff recommends that the Commission:

1. Approve the final Public Meeting Policy Statement for publication in the *Federal Register*.
2. Note:
 - a. The NRC staff has determined that this action is not a "major rule," as defined in the Congressional Review Act of 1996 (5 U.S.C 804(2)) and has confirmed this determination with the Office of Management and Budget. The appropriate Congressional and Government Accountability Office contacts will be informed.
 - b. The appropriate Congressional committees will be informed of this action.
 - c. A press release will be issued by the Office of Public Affairs when the final policy statement is filed with the Office of the Federal Register.
 - d. In conjunction with the issuance of the revised policy statement, the staff will be revising NRC Management Directive 3.5, "Attendance at NRC-Sponsored Meetings" (<http://www.internal.nrc.gov/policy/directives/toc/md3.5.htm>), and updating or creating public meeting-related guidance.
 - e. A communication plan will be drafted to ensure adequate notification to staff and external stake holders.

RESOURCES:

Resources required to make revisions to the public meeting notification system are nominal and will be reallocated from lower priority work.

COORDINATION:

The Office of the General Counsel has no legal objection to the final policy statement. The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objection as there are no resource implications required for the activities described in this paper.

/RA/

Victor M. McCree
Executive Director
for Operations

Enclosures:

Federal Register notice

Response to Public Comments

SECY PAPER - PROPOSED FINAL REVISIONS TO POLICY STATEMENT ON ENHANCING
PUBLIC PARTICIPATION IN U.S. NUCLEAR REGULATORY COMMISSION MEETINGS
DATED: January 11, 2018

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