



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D. C. 20555

Appendix 1

October 3, 1977

MEMORANDUM TO: Joseph J. Fouchard, Acting Director
Office of Public Affairs

FROM: James R. Yore, Chairman
Atomic Safety and Licensing Board Panel

SUBJECT: REVIEW OF POLICY CONCERNING USE OF CAMERAS
DURING NRC LICENSING HEARINGS

In response to your memorandum of September 21, 1977, concerning the above subject, I emphatically favor the retention of the present Commission policy. Mr. Rosenthal, in his memorandum of September 22, 1977, set forth clearly the basic reasons for this position and I totally concur in his analysis.

I advised you that a check (similar to the one that was made approximately two years ago) would be made with other Federal agencies to determine their current camera policy and this has been accomplished. The results indicate that 14 Federal agencies (including NRC) of the 25 surveyed have partially implemented Recommendation 72-1 of the Administrative Conference of the United States. Recommendation 72-1 calls upon Federal agencies to adopt regulations which would encourage broadcast coverage of proceedings involving issues of broad public interest, subject to appropriate limitations and controls to prevent disruption and to protect witnesses.

Only the FCC has implemented the Recommendation in full by publishing a policy statement containing guidelines for broadcast of its proceedings.

Much of the audio-visual coverage that is presently permitted by the other agencies appears to be less the result of the Recommendation than the result of the open meeting and public observation provisions of the Government in the Sunshine Act. (P.L. 94-409). There are no indications that any agency plans to broadcast its adjudicatory proceedings.

EPA's policy is to allow broadcast coverage of non-adjudicatory proceedings. When the Agency promulgated new regulations for formal adjudicatory hearings on registration of pesticides, it proposed allowing broadcast coverage, but withdrew the proposal in the final published regulations because of objections. Thereafter, in reporting out a new pesticide bill which later became law, the Senate Committee on Agriculture and Forestry indicated it would oppose any such broadcast coverage provisions in future EPA regulations.

Our proceedings are quasi-judicial and very often held in an emotionally charged atmosphere. A large portion of the public does not favor the building of any power plant, and especially a nuclear one, in their neighborhood. In such circumstances, I believe it best to follow the practice of the Federal court system, which does not permit camera coverage. Federal courtrooms provide our best hearing facilities, and we use them as often as possible. If there were a policy permitting camera coverage, we would have to exclude cameras when we use these courtrooms and would risk accusations that we use them to avoid a policy that permits such coverage. We also would dislike being denied their use for fear by the courts that it would shift criticism of camera exclusion to the courts themselves.

Polarization of the nuclear debate has made it increasingly difficult for Hearing Boards to maintain order and the proper decorum at NRC adjudicatory proceedings. Board have on several occasions been faced with demonstrations of various sorts. In at least one instance it was necessary for the local police to maintain order. Retention of the present policy regarding use of cameras would continue to afford some relief in alleviating this growing problem. Any relaxation would only exacerbate an already highly volatile situation, and invite further demonstrations which can only hinder the hearing process. I strongly favor the retention of the existing Commission policy.

James R. Yore

James R. Yore, Chairman
Atomic Safety and Licensing
Board Panel

cc: A. S. Rosenthal, ASLAP
J. L. Kelley, OGC
H. K. Shapar, OELD