

September 21, 1977

MEMORANDUM FOR: James R. Yore, ASLBP  
Alan S. Rosenthal, ASLAP  
James L. Kelly, OGC  
Howard K. Shapar, ELD

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

Enclosed is a first cut at a Commission paper on camera policy. I would appreciate any comments as soon as possible. Mr. Yore has indicated that he will check with other Federal agencies to determine their current camera policy and that information will be added to this paper.

JS

Joseph J. Fouchard  
Acting Director  
Office of Public Affairs

Enclosure

OFFICE	PA	PA			
SURNAME	FIngram, Jd	JFouchard			
DATE	9/21/77	9/ /77			

Master

For: The Commissioners

From: Joseph J. Fouchard, Acting Director, OPA

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

Purpose: To obtain Commission guidance on a public affairs  
policy matter.

Issue: Should NRC policy be changed to permit television  
and still camera coverage of proceedings before Atomic  
Safety and Licensing Boards and Atomic Safety and  
Licensing Appeal Boards.

Decision Criteria:

1. Can camera coverage of licensing hearings be permitted without creating distractions or otherwise impinging on the licensing process?
2. Are the information needs of the public being adequately served when one of the principal news media--television--is not permitted to cover the hearing with its cameras?

Alternatives:

1. Retain the present policy of permitting cameras in the hearing room before and after sessions of the proceeding and during recesses. Cameras are prohibited when the hearing is in session.
2. Permit cameras to be used in the hearing room on an unrestricted basis.

3. Permit cameras to be used in the hearing room, but only under conditions where no artificial lighting is allowed and the cameras must operate from fixed positions.
4. Permit cameras to be used only during that portion of the hearing in which limited appearances are being heard. The evidentiary portion of the hearing would remain closed to camera coverage.

Discussion:

On June 10, 1975, the Commission adopted the policy of the former Atomic Energy Commission with respect to the use of TV and still cameras in the hearing rooms during NRC licensing proceedings. That policy prohibits photography during periods when the hearing actually is in session. Photography is permitted in the hearing room before and after each session of the hearing and during recesses. Tape recorders or live radio broadcasts are permitted if they are not disruptive to the hearing.

Licensing Board Chairman typically grant a few minutes of "shooting time" before the start of a hearing to accommodate TV and still photography. Recently the NRC has drawn a number of protests concerning this policy. These have included requests from KING-TV and the Seattle Times in connection with the Skagit hearing in Seattle, and from the Radio Television News Directors Association with respect to the Black Fox hearing in

Oklahoma. There also were protests at the Marble Hill hearing. Several members of Congress recently have questioned our policy as a result of complaints from news media in their areas. They include Senators Jennings Randolph and Henry Jackson and Congressmen Morris Udall, Lee Hamilton, and James Jones.

We have indicated to the Seattle media, and to the Radio-TV News Directors Association that <sup>to the commission</sup> ~~we~~ <sup>the commission</sup> would take a fresh look at our policy. That is the purpose of this paper.

The Atomic Energy Commission considered the issue of camera coverage of its licensing hearings on several occasions and following each review decided not to change its policy. In 1971 the Administrative Conference of the United States, at the request of the AEC, initiated a study of the photography question with respect to all regulatory agencies. In 1972 the Conference--by a split vote--recommended that agencies "encourage broadcast coverage--subject to appropriate limitations and controls to prevent disruption and protect witnesses--of proceedings involving issues of broad public interest." Subsequently, the AEC decided not to change its policy. However, since that time, some State regulatory agencies--such as the Illinois Commerce Commission--have permitted filmed coverage of their proceedings. <sup>present A. P.</sup> A discussion of the alternatives follows:

Alternative 1:

Retain the present policy of permitting cameras in the hearing room only before and after sessions of the proceeding and during recesses. Cameras would be prohibited when the hearing is in session.

Pro: 1. Maintains the decorum necessary for quasi-judicial proceedings and assists the licensing board or the appeal board in conducting an orderly proceeding.

*insert B*

4. Is consistent with the rules of the Federal Court system. Since NRC often uses Federal court rooms for its hearings, it often is necessary to follow the custom of the court when using their facilities.

Con: 1. TV news industry ~~and newspapers~~ will continue to assert that this policy discriminates against a major source of news for the public in that the camera is as essential to the TV reporter as the

pencil is to the printed press. *Newspaper also believe that still cameras should be allowed to provide*

2. May subject NRC to ~~legal challenge of its authority to bar cameras.~~ *hearing boards to "cut-ins" by camera crews to test NRC authority by this could result in calling in law enforcement authority or adjourning the hearing.*

*transmit coverage and will continue to object to any policy*

Alternative 2:

Permit cameras to be used in the hearing room on an unrestricted basis.

Pro: 1. Would open up news coverage of the NRC regulatory process to an unprecedented degree.

2. Would satisfy the needs of TV stations and newspaper still photos.
3. Might provide better public understanding of the thoroughness of NRC licensing procedures.

- Con:
1. Would create difficulties in carrying out an orderly proceeding, including the possibility of encouraging demonstrations.
  2. Artificial lights would be uncomfortable for the hearing board and could distract witnesses testifying under oath.
  3. Movement of cameras around the hearing room would be a distraction to the hearing board, witnesses and counsel.

4. *Quality of NRC decisionmaking could be impaired.*

Alternative 3:

Permit cameras to be used in the hearing room, but with the restrictions that is allowed and the cameras must operate from fixed positions.

- Pro:
1. Would open up NRC regulatory process to essentially the same degree as Alternative 2.
  2. Would provide less possibility for distractions than Alternative 2 in that natural light would be used and cameras would not be moving around the hearing room.
  3. Might provide better public understanding of the licensing process.

4. Would meet the needs of most TV stations--although some may not have equipment to film with natural light--in providing coverage of an important story in the local area where a plant is proposed.

- Con:
1. Some distraction still is possible since witnesses would know that they are being filmed, and there would be some small camera noise.
  2. In cases where Federal court rules prohibit cameras, NRC must comply or find a hearing room outside the Federal court building.
  3. Possibility that demonstrations would be encouraged by presence of cameras.

Alternative 4:

Permit cameras to be used only during that portion of the hearing in which limited appearances from the public are being heard. Cameras would operate on natural light and from fixed positions. The evidentiary portion of the hearing would remain closed to camera coverage.

- Pro:
1. Would open up news coverage of hearing process, and go part way in assisting TV and still cameramen.
  2. Might provide better understanding that public can voice its views and be heard by NRC.
  3. Has advantage of keeping evidentiary portion of hearing free of cameras, distractions, etc., while



permitting coverage of non-evidentiary portion.

- Con:
1. Where Federal court rooms are used for hearings, might force NRC to go elsewhere for space or revert to past practice of no cameras during any portion of hearing.
  2. Persons making limited appearances might tailor their presentations to secure more news media attention.
  3. Possibility of encouraging demonstrations is still present.
  4. TV news industry and newspaper photographs still would protest camera ban in evidentiary portion of hearings.

*get  
recommenation*