

NOTATION VOTE

RESPONSE SHEET

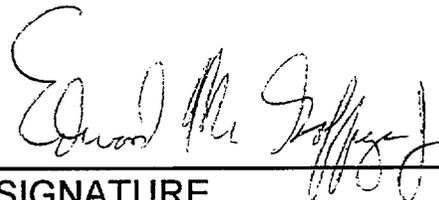
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-99-251 - POLICY STATEMENT ON STAFF MEETINGS
OPEN TO THE PUBLIC: REVISION OF SECTION D**

Approved X Disapproved Abstain

Not Participating

COMMENTS:

See attached comments and edits.



SIGNATURE
November 19, 1999

DATE

Entered on "AS" Yes X No

Commissioner McGaffigan's Comments on SECY 99-251:

I approve publication of the draft Federal Register Notice, subject to 1) an extension of the comment period from 30 to 60 days, 2) inclusion in the FRN of the usage data in Jim Blaha's October 19, 1999, Note to Commissioner Assistants and the e-mail attached to the Note, and 3) the edits attached to my comments.

My edits are designed to clarify the proposal. On even a second reading of the draft FRN, one could get the impression that the current policy statement allows no exception to policy that staff meetings be noticed 10 calendar days in advance. Page 4 of the draft FRN says that the current policy "instructs" the staff "to send notice ... at least 10 days in advance of the date of the meeting." However, the current policy in fact says that *normally* the staff will send notice to the agency's meeting announcement coordinator at least 10 days in advance of the meeting (see page 48345 of the current policy, Attachment 2 to the SECY paper). Moreover, like the proposed policy, the current policy also sets out a standard by which the staff decides whether an exception to the "normal" is called for.

The main changes in the policy on 10-day notice would be two. First, the proposed policy would spell out in greater detail the grounds for the exceptions. Second, the policy statement would be brought into line with the Management Directive's instruction that the 10-day notice be given to the *public*, not the agency's public meeting notice coordinator. I've tried to make the FRN a little clearer about these changes, so that commenters won't think we're proposing a significantly more permissive approach to the 10-day goal, and so that they will see more easily that we are proposing to move the policy statement, if not practice, in the direction of earlier notice to the public, thus putting a stronger foundation under the notion that the public should get 10 days notice.

The staff may be right that providing notice through means other than the Internet is no longer warranted. I am not so sure. Even our current, multi-path, system for providing notice of public meetings has come in for some sharp criticism. I await public comment and the staff's response before reaching my decision on the question. In the meantime, I commend the staff for planning to use these other media to invite comment on the proposed changes. If there are people who rely on the phone and the bulletin board, we don't want to have relied on the *Federal Register* to inform these people about the rulemaking.



if there is a schedule or location change for a meeting. Therefore, the NRC does not believe that eliminating the telephone recording will adversely affect the ability of the public to find out whether meetings have been changed or canceled. The NRC plans to retain the telephone number, with a new recording that refers the public to the toll-free telephone number of the PDR and NRC Web site. For people who cannot access the NRC Web site, assistance on scheduled NRC meetings will be available through NRC staff at the PDR, by calling toll-free 1-(800)-397-4209.

The NRC does not distribute a summary compilation of meeting notices in the Weekly Compilation of Press Releases; therefore, that provision in Section D has been eliminated. Also, because the public can gain access to the NRC Web site using a computer at the PDR, the proposed revision no longer requires that paper copies of meeting notices be posted at the PDR.

This policy statement would also be revised to state that staff meetings will be noticed as soon as the NRC staff is certain that a meeting will be held and that firm arrangements have been made, but generally no fewer than 10 calendar days before the meeting. Under the current policy, the NRC staff is instructed to send a notice to the public meeting notice coordinator at least 10 days in advance of the date of the meeting. The goal of that practice was to ensure that the subsequent administrative processing of the notice for public notification would result in the public having at least 1 week's notice of the open staff meeting. However, the current NRC implementing guidance for this policy, Management Directive 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff", states that "[M]eetings open to the public should normally be announced to the public and to the Commission at least 10 calendar

with certain exceptions.

[put underlined words in italics]

[emphasis added] 4

days in advance of the date of the meeting...." The change to the policy will specify that the public can expect to receive notification of a staff meeting open to the public via the NRC Web site 10 calendar days in advance.

The change will bring the policy statement into line with the Management Direction.
and

Experience has also shown that sometimes a staff meeting that is open to the public needs to be scheduled quickly, and thus does not allow time for the public to receive notice at least 10 calendar days in advance of the meeting. Therefore, in these cases where an exception to the 10 calendar day policy must be made, the proposed change states that the staff will try to give notice as promptly as possible.

The current policy also provides for such exceptions, but the proposed policy will tie the
← Exceptions to the 10-calendar day notice period will be made consistent with the agency

strategic plan performance goals. The current draft of the strategic plan includes performance goals to: (1) maintain safety; (2) increase public confidence; (3) reduce unnecessary regulatory burden; and (4) make NRC activities and decisions more effective, efficient and realistic. When the final version of the strategic plan is available, we will consider if there are any changes in the performance goals that will necessitate reissuance of this policy statement.

With respect to the third and fourth criteria, it is anticipated that they will be used sparingly and only when circumstances will not reasonably permit the requisite notice. Comment on these criteria is explicitly requested to identify circumstances in which use of these criteria may be justified.

To explain how these performance goals would be used to evaluate whether exceptions should be made to the 10 calendar day notice period, the following examples are given. To