

December 21, 1999

COMMISSION VOTING RECORD

DECISION SECY-99-251
ITEM:

TITLE: POLICY STATEMENT ON STAFF MEETINGS OPEN TO THE PUBLIC: REVISION OF SECTION D

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 21, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of December 21, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
 2. Commissioner Vote Sheets
 3. Final SRM

cc: Chairman Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 OGC
 EDO
 PDR
 DCS

VOTING SUMMARY - SECY-99-251

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	11/15/99
COMR. DICUS	X				X	11/9/99
COMR. DIAZ	X				X	11/23/99
COMR. McGAFFIGAN	X				X	11/19/99
COMR. MERRIFIELD	X				X	11/19/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 21, 1999.

Commissioner Comments on SECY-99-251

Chairman Meserve

Although I am generally inclined to approve the Staff's revisions to the policy statement, I have two concerns. First, as was emphasized at our meeting

with the materials stakeholders, not all individuals have access to the Internet. The revised Section D should explicitly state that information regarding public meetings can be obtained by calling the Public Document Room via a toll-free number.

Second, I am concerned that approval of the proposed revisions before the public has had the opportunity to comment on them would give the appearance that a final decision to make the revisions has already been made. Thus, I am reserving my final approval of the revisions until members of the public have had the opportunity to comment on them. I approve the publication of the Federal Register Notice for public comment with the revisions to Section D described above. Once the comment period expires, the Staff should provide the Commission with its proposed resolution of any issues raised by the comments for final Commission approval of the revisions to the policy statement.

Commissioner Dicus

I approve the revision of the policy statement, subject to the attached edits. As indicated in the attached edits, the Staff should specifically request comments on the proposed discontinuation of providing notice of staff meetings open to the public through the electronic bulletin board and telephone recording as well as through the Weekly Compilation of Press Releases and posting in the NRC's Public Document Room. The staff should also report back to the Commission with any comments it receives (either from the Federal Register notice or from the notice on the bulletin board and pre-recorded telephone message) from the public and their proposed resolution.

Commissioner Diaz

Subject to several changes, I approve publication of the proposed Federal Register Notice relating to proposed revisions to the Policy Statement on Staff Meetings Open to the Public. The staff has cited usage patterns that support the proposed recognition -- in the Policy Statement -- of principal reliance on the use of the NRC Web Site for announcement of open staff meetings. However, I believe that the Federal Register Notice should be modified to clearly express that the Commission will not finalize revisions to the Policy Statement or discontinue the existing identified methods of learning about open staff meetings until the Commission has received and examined comments from the public and considered whether any changes in the proposed course are warranted. As the supplementary information already suggests, it would be particularly useful to have comments on the criteria under which the staff may not provide the full 10 calendar-day notice of open staff meetings.

An important component of the staff's plan is to make available personal assistance for identifying scheduled open staff meetings through the use of a toll-free number to the Public Document Room. Thus, I believe this aspect of the recommended approach should be expressly identified in the proposed revisions to the Policy Statement.

Commissioner McGaffigan

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.

Commissioner Merrifield

I concur with the vote of Chairman Meserve. Like him, I believe it is important that the Commission be aware of the public's concerns and of the staff's recommended solutions in order to make a fully informed decision. Therefore, I approve the publication of the Federal Register Notice so that the public may review and provide comment to the proposed revisions to Section D prior to my final vote on this issue.