

April 24, 1998

FOR: The Commissioners

FROM: L. Joseph Callan, Chairman /s/
Executive Council

SUBJECT: PUBLIC COMMUNICATIONS INITIATIVE (DSI-14)

PURPOSE:

This paper provides a plan to the Commission to improve public communications and seeks Commission approval of the Executive Councils recommendations for implementing initiatives recommended by the Communications Coordinating Committee.

BACKGROUND:

In the SRM of March 14, 1997, the Commission directed the Executive Council to create a coordinating group to develop a plan to implement the Commission's policy guidance in Direction Setting Issue #14, "Public Communications Initiatives." This DSI addressed the need to improve the quality, clarity, and credibility of communications with all NRC stakeholders, and particularly with the general public. The SRM focused on improvements in the broad areas of more effective written and oral communications with the public, early identification of public concerns, early involvement of the public in NRC regulatory decisions of substantial interest or concern, and more effective outreach to the general public on the roles and responsibilities of the NRC. The Executive Council appointed the Communications Coordinating Committee (CCC), co-chaired by William M. Beecher, Director of the Office of Public Affairs, and Francis X. Cameron, Special Counsel for Public Liaison in the Office of General Counsel, and consisting of senior members of several Commission and program offices, to address the issues and offer recommendations. This paper, with its attachments, forwards the requested plan.

DISCUSSION:

The Report of the Communications Coordinating Committee (CCC) ([Attachment 2](#)) represents relatively comprehensive and thoughtful recommendations to enhance NRC's interaction with the public. The forty-three recommendations addressed five broad categories: (1) clarity and timeliness of communications, (2) public involvement, (3) responsiveness to public inquiries, (4) public access to NRC information, and (5) public outreach. The CCC also categorized the recommendations into three levels of importance: (1) Foundation path, (2) Enhanced path, and (3) Comprehensive path. In each major area, measures of effectiveness were suggested and estimated implementation costs provided.

In providing an Executive Council recommendation, the EC carefully considered the guidance in the March 14, 1997 SRM and also sought office and regional comments and input. A summary of the CCC recommendations and corresponding EC recommendation is provided in [Attachment 1](#). Two themes in the SRM strongly influenced the EC recommendations. The first was that we should improve public communications and interaction to the extent possible within existing resources by maximizing the effectiveness of existing programs. Consequently, many of the EC recommendations endorse the thrust of the CCC recommendations but suggest that the initiatives be factored into the way we are implementing current programs. This approach not only saves resources but emphasizes that public communications and interactions are not separate and distinct programs, but an integral part of the existing line mission.

The second SRM theme that significantly shaped the EC recommendations was that there should be centralized planning and coordination, however, responsibility for implementing the methodology should reside with the program offices (and regions). In this respect, the EC is recommending the scope of the responsibilities of the Deputy EDO for Regulatory Effectiveness (DEDE) be expanded to include public communications. The EC believes this would.

- reinforce the perspective that effective public communication and interaction is part of regulatory effectiveness and excellence
- reinforce the line organization's responsibilities in public communication
- provide a focal point for methodology and policy development
- provide a focal point for measuring effectiveness of initiatives

To implement this role, we would detail a staff member to the DEDE for a period of 1 year to assist in the implementation of many of these initiatives. The DEDE would work closely with the Office of Public Affairs and the OGC Special Counsel of Public Liaison in fulfilling his responsibilities. At the end of the one year period, the DEDE would make recommendations regarding permanent assignment of responsibilities and staffing.

One final observation by the EC was that the CCC focused heavily on how the technical staff and managers could improve their interaction with the public. A related and important corollary is how the regional and headquarters public affairs officers can improve their interaction with the staff and the public. In that regard the EC endorses the Chairman's initiative to have public affairs officers receive training on significant technical and regulatory programs and issues (e.g., risk-informed regulation). This will enhance interaction with the staff on these matters and improve their ability to communicate effectively with the public.

RESOURCES:

The EC believes its recommendations can in the main be implemented within existing resources. While, final implementation may take a longer, integration with existing programs will be more complete.

COORDINATION:

All affected offices have had an opportunity to comment on the CCC report and the EC recommendations. There are no fundamental objections.

IMPLEMENTATION:

After Commission approval, the Deputy EDO for Regulatory Effectiveness will coordinate development of a more specific implementation plan to include lead and support offices, schedules and proposed performance metrics. This implementation plan would be provided to the Commission six months after receipt of a final SRM.

RECOMMENDATIONS:

That the Commission approve:

1. Expansion of the role of the Deputy EDO for Regulatory Effectiveness to include public communications and interaction.
2. The EC recommendations included in [Attachment 1](#).

L. Joseph Callan, Chairman
Executive Council

- Attachments: 1. [Summary of the CCC Recommendations and Corresponding EC Recommendation](#)
 2. [Communications Coordinating Committee Report](#)

CONTACT: James L. Blaha, OEDO
 415-1703

CCC Recommendation	EC Recommendation	Lead Office	Support Office
<p>IA1</p> <ul style="list-style-type: none"> • Develop a half-day course for the supervisors, managers and certain technical staff who together constitute a cadre of communicators and who, by virtue of their jobs, have a special responsibility to communicate clearly and to ensure their subordinates do so as well. The directors of NRR, NMSS, AEOD and RES and the Regional Administrators may designate who belongs in this cadre estimated at about 300-400 persons. A lecture-type course could be taught largely by the staff, with limited contract support. It would have four 1-hour segments. Time would be allowed for a significant amount of question-and-answer interaction between audience and lecturers. Conceptually, the four segments would feature: <ol style="list-style-type: none"> 1) The art of simple explanation and clear exposition. (Contractor), 2) Recognition that the public, whose health and safety we are charged to protect, is one of our most important clients and that if we fail to communicate clearly with the public--to include concerned citizens, reporters and allegers--we are not fulfilling an important part of our responsibility. (OPA--Beecher), 3) Specific examples of text that is impenetrable to the layman with demonstration of how the same material could be handled more understandably. (NRC staff--Coblentz), 	<p>The EC believes that training to staff and managers on their responsibilities in the area of public communications and on techniques and strategies for effective communications is fundamental and essential. However, consistent with the SRM on DSI-14, we should seek to maximize the effectiveness of existing programs. Currently NRC sponsors a large number of learning activities which provide appropriate opportunities to incorporate the training objectives in this area. Some of these training activities include Executive Forum, Leadership Seminars, Supervisory and Management Development Program, NRC and Its Environment, Clear Writing, Effective Listening Skills, Effective Briefing Techniques, the Media Workshop, Conducting and Participating in Meetings as well as self-paced instruction from the Individualized Learning Center.</p>	OPA	HR AEOD OGC
	<p>HR and AEOD/TTD in cooperation with OPA should review existing training activities to identify how the responsibilities and techniques for public communication can be incorporated effectively and efficiently and to the extent possible within existing resources. This will require re-evaluation of current curricula to assess the value of existing training subjects to prevent simply expanding existing curricula. After this review, the specific costs of developing, providing and receiving any new training activities deemed necessary will be identified.</p>		

	<p>4) How to conduct an effective, responsive public meeting (OPA--Greenman).</p>			
	<p>Course materials would be developed for the instruction (2 months), and afterwards it would be taught quarterly over the course of a year to the cadre of supervisors. [FOUNDATION PATH]</p>			
IA2	<ul style="list-style-type: none"> In alternate years, larger numbers of staff, again designated principally by program office directors and regional administrators could be given the same instruction. This would be followed up in these alternate years with small, two-hour sessions for technical staff and their immediate supervisor. This would be hands-on instruction with word processors. Interactive teleconference capability would enable doubling up some sessions to include one team at headquarters and one in the region. 	(See 1.A.1)	OPA	HR
	<p>Course materials would be developed for the 2-hour course (2 months), and then taught two classes per day for 16 days, spread throughout the year. These would be coordinated to follow the 4-hour course every other year. [ENHANCED PATH] Alternatively, if the Commission feels the burden of other mandatory classwork requires, this schedule could be spaced over four years rather than over two. A decision could be made thereafter how often to repeat this cycle. In addition, this improved communications theme should be incorporated into existing technical training courses.</p>			
IA3	<ul style="list-style-type: none"> Adopt a format for both technical reports and public meetings that includes a clear Executive Summary. Start off each high profile technical paper, including such things as AITs, with a brief Executive Summary of perhaps a page or two, stating the problem and NRC's findings in language the layman can comprehend. Such findings must be put into context, explaining both the safety significance and that the system or component in question is part of an overlapping series of safety measures designed to guard against any harm to the public. Helping people understand the potential degree of risk was one of the major suggestions of the Presidential/Congressional risk report. [FOUNDATION PATH] 	Agree. NRR, NMSS and AEOD should revise applicable guidance documents to require an Executive Summary in "plain english" for high profile reports such as AITs, IITs, SETs, DETs, OST and RATTs.	NRR AEOD NMSS	
	<p>By the same token, NRC public meetings with licensees could start with a brief "tutorial" in which the issues about to be discussed in technical detail would be put into context, with their safety significance underlined. From time to time, if the senior NRC official present senses that the public may be lost in the technical maze, he might interrupt very briefly to explain the significance of what's being discussed. This would not only make it easier for non-techies in the audience to follow the drift of the necessarily technical discussion, but would make them feel welcome, make them feel the NRC wants them to understand what's going on while, at the same time, conceding that the agency must deal in technical detail with its licensees on technical issues. [FOUNDATION PATH]</p>	The DEDE will review current guidance on conducting public meetings to identify potential for improvement.	DEDE	
IA4	<ul style="list-style-type: none"> Management Directive 3.5 "Public Attendance at Certain Meetings Involving the NRC Staff" and 3.7 "Distribution of Unclassified NRC Staff and Contractor-Generated Documents" would need to be revised to incorporate the change in format for both public meetings and reports. This would be announced in a memorandum from the Executive Director for Operations to employees. [FOUNDATION PATH] (2 months) 	Agree. The DEDE should review applicable guidance documents and recommend changes.	DEDE	NRR NMSS AEOD OGC
IB1	<ul style="list-style-type: none"> Conduct review by the technical staff of the glossary of nuclear expressions that recently was posted on the NRC Website and both expand and enhance it to include often- 	The benefits from devoting significant effort to this recommendation are not clear considering the estimated cost and availability of resources	OPA	NRR NMSS RES

	<p>used expressions with clear, agreed definitions in plain English. When a report is being drafted, the technical staff must be aware not only that the licensee must understand, but insofar as possible the public ought to as well. In addition to a clear, plain English Executive Summary, in the body of the report the first time an expression such as "small break LOCA" or "ALARA " is used, it should be spelled out briefly. As it happens, INPO reports, which are not written for the public but for plant management, nonetheless tend to treat technical conclusions in direct, focused, comprehensible prose. The glossary developed by the Presidential/Congressional risk report will be used as a reference. (1 year) [ENHANCED PATH]</p>	<p>in OPA and the staff. In the absence of analysis which shows the benefits and usage of the current website glossary, the EC supports a low effort (within current resources) annual update to the current glossary. Once a year OPA should request program offices to provide an update to the glossary which would then be posted to the NRC website. The qualitative improvements suggested by the CCC should be pursued within this context.</p>		<p>AEOD OSP OCIO OGC</p>
IB2	<ul style="list-style-type: none"> Distribute the glossary to all employees with guidance to limit use of jargon and encourage use of plain English definitions in writing and speaking to the public. (1 month after glossary is updated) [FOUNDATION PATH] 	<p>When the glossary is updated annually, OPA should inform the staff that it is available on the home page. However, admonitions against use of jargon in communications should and is being addressed in other recommendations.</p>	OPA	OCIO
IB3	<ul style="list-style-type: none"> Have both the Commission and topmost NRC management periodically stress to subordinates the need to convey our findings and conclusions not only clearly but in a carefully balanced way, neither overstating nor minimizing our concerns. If, for instance, we conclude that the underlying cause for an event is a lack of effective command and control by management, even though that in itself is not a specific, enumerated requirement of our regulations, we should state our conclusion and back it up, and then cite the specific derivative infractions that we uncovered. (Periodically as appropriate.) [FOUNDATION PATH] 	<p>Agree. This message should also be reinforced in training, guidance documents for writing reports and in preparation for public meetings.</p>	EDO	
IB4	<ul style="list-style-type: none"> Obtain the appropriate technical staff's initial evaluation and areas of concern before discussing an event with the public or the media. There should be little if any speculation on second and third order possibilities or scenarios in addressing particular NRC concerns about the specific event. This must be a two-way exchange, with public affairs officers alerting technical staff to anticipated media questions and public reactions. By the same token, technical staff, in writing about an event in a format that will be posted on the Internet, should discuss their description with a public affairs officer who may be more sensitive to how their words will be perceived and whether they clearly convey what is intended. (Ongoing) [FOUNDATION PATH] 	<p>Agree. OPA should reflect this practice in appropriate guidance and procedures documents.</p>	OPA	
IC1	<ul style="list-style-type: none"> Include in the annual performance appraisal of all appropriate individuals a specific performance element dealing with both the clarity of their communications (written and oral) and their sensitive responsiveness to the public. Senior managers should discuss and underscore the need for both clarity and sensitivity in their one-on-one reviews with employees and make every effort to assure that this performance element is taken seriously in their rating and not just checked off reflexively. (3 months to develop performance element and incorporate into appropriate appraisal forms.) [ENHANCED PATH] 	<p>Agree in concept, however, a new and specific performance element is not appropriate or necessary. Current performance elements can be refined to include clarity of communications and responsiveness to the public. Currently SES appraisals include subelements for interpersonal skill and agency representation and non-SES appraisals routinely include elements for oral and written communications. HR should review existing SES and non-SES elements and provide suggested modifications for use by managers in developing future appraisals (by June 1998 for SES, by September 1998 for Non-SES).</p>	HR	
IC2	<ul style="list-style-type: none"> Issue a Staff Requirements Memorandum or policy statement, as appropriate, from the Commission in which it makes clear its view to senior staff managers and all employees that the fundamental reason we exist as an agency is to protect public health and safety, and that means the general public is one of our most valued clients. (1 month) [FOUNDATION PATH] 	<p>Agree. The Commission action (SRM) on this report and subsequent implementation of its recommendations will adequately send this message.</p>	OPA	

IC3	<ul style="list-style-type: none"> Reinforce this message repeatedly up and down the chain of command. <p>[ENHANCED PATH]</p>	Agree. (See 1.C.2)	EDO	
ID1	<ul style="list-style-type: none"> As a regular feature at the Executive Director's weekly Friday staff conference, query the agency's top managers for issues of potentially serious public concern looming on the horizon that ought to be considered on an intra-agency basis. (Weekly) [FOUNDATION PATH] 	Agree. OPA regularly attends EDO staff meetings and this is an appropriate question for the OPA representative to raise.	OPA	EDO
ID2	<ul style="list-style-type: none"> Establish something similar to the Communications Coordinating Committee as a standing body to evaluate and develop viable solutions to the issues that require prompt attention. For example, earlier this year, it became apparent that the citizens' group which had opposed the decommissioning of Yankee Rowe in Massachusetts intended to launch a similar campaign at the first public meeting on Connecticut Yankee decommissioning. A comprehensive NRC press briefing was conducted several days in advance so the issue would be defined in all its dimensions for the community and a multitude of questions answered before the public meeting Lengthy, balanced news accounts appeared the weekend before the public meeting, providing understandable technical background of value to the people attending. (1 month) [FOUNDATION PATH] 	Disagree. This should be a fundamental responsibility of line management with assistance from OPA. Assistance from other offices can be sought on a case specific basis as necessary.	OPA	NRR NMSS RES AEOD OSP
IE1	<ul style="list-style-type: none"> Modify existing training courses for license reviewers (Licensing Practices and Procedures), inspectors (Fundamentals of Inspection, Inspection Procedures), and technical project managers to include discussions of the need to bring budding issues of public concern to NRC management attention at the earliest possible time. License reviewers and inspectors, for example, have day-to-day contact with licensees and members of the public and, in-so-doing, receive early warning of incipient issues. (3 months) [ENHANCED PATH] 	See 1.A.1.	AEOD	HR
IE2	<ul style="list-style-type: none"> Enhance communications with local governments. In the case of a significant event, problem licensee or site of special interest, the NRC should expand the practice of sending copies of incident reports and enforcement correspondence to the state, by including appropriate local governments on distribution. They are intimately aware of grass roots issues and should be encouraged to pass those along. (2 months) [FOUNDATION PATH] 	<p>This recommendation does not fully acknowledge the significant ongoing activities with local governments in such areas as SALP meetings, watch list plants, service list distributions and areas of local interest.</p> <p>Regional Administrators and program managers should periodically review their procedures for notification of local governments to ensure good communications continue.</p>	RA's	OSP
IIA1	<ul style="list-style-type: none"> Greater attention should be given to public involvement needs in drawing up Rulemaking Plans. And when it is determined to provide such expanded effort, the plan should provide more detail on planning time and resources necessary to conduct the effort effectively. (0.25 FTE annually) [FOUNDATION PATH] 	<p>Agree. Public involvement should be considered in developing rulemaking plans. For some "high interest" rulemakings more detailed planning for public involvement may be necessary (see rec. II.B.1)</p> <p>ADM should revise MD 6.3 to require rulemaking plans address public involvement.</p>	ADM	NRR NMSS AEOD
IIA2	<ul style="list-style-type: none"> The EDO's Feb. 12, 1996, memorandum (codified in Management Directive 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff") established criteria for when a public meeting may be appropriate for a specific facility or site. It emphasized the benefit of considering this option very early in the process. The Management Directive should be revised to require all division directors to periodically assess whether a public meeting is needed to focus on particular issues at a specific facility. (0.25 FTE 	<p>The current policy establishes criteria for when public meetings may be appropriate and emphasizes the benefit of considering early public involvement. Other initiatives in this report will continue to reinforce the need to consider early public involvement (see I.B.3, I.C.1, I.C.2, I.C.3, I.D.1). Additional guidance to division directors is not necessary.</p>	RA's NRR NMSS RES AEOD OSP	

	annually) [ENHANCED PATH]			
IIA3	<ul style="list-style-type: none"> Actions or events which may necessitate additional public involvement efforts should be routinely explored at the weekly EDO staff meetings. (negligible FTE) [FOUNDATION PATH] 	Agree. See I.D.1.	EDO	OPA
IIB1	<ul style="list-style-type: none"> Major initiatives, such as a proposed reactor decommissioning, should require preparation of a public involvement plan. Essential elements would include the objectives of public involvement; the need to identify interested stakeholders; developing a game plan on whether to include broad public meetings, workshops, meetings with local officials and journalists; and consideration of special arrangements. The plan should be coordinated among appropriate offices and approved by senior management for both policy and resource reasons. Any Rulemaking plans which identified the need for special public involvement and special public meetings identified as part of the periodic assessment discussed above would need to address the same agenda of issues. [FOUNDATION PATH] 	<p>Agree. However, this should be limited to major actions which are likely to involve significant staff resources and failure to adequately plan for public involvement could cost resources and or time.</p> <p>Actions to implement this recommendation should follow development of the Public Involvement Handbook (See IIB2).</p>	RA's NRR NMSS RES AEOD OSP OPA ADM	OGC
IIB2	<ul style="list-style-type: none"> Develop a Public Involvement Handbook for the staff for use both in a new training course (discussed below) and as a handy reference in implementing public involvement activities. The handbook should include basic conceptual issues such as designing a particular public involvement plan to the agency's specific objectives, and "how to" guidance on booking an appropriate meeting place, issuing public notices, and insuring the availability and advance distribution on background material. The cost would be a necessary part of the cost of developing the training course. In addition, an attempt will be made to harmonize all of the individual office procedures related to public involvement. [FOUNDATION PATH] 	Agree. OPA with HR, AEOD, and OGC assistance should develop this handbook as a training resource in implementing recommendation I.A.1 and other training recommendations.	OGC	HR/ AEOD/ OPA
IIB3	<ul style="list-style-type: none"> Compile specialized lists of stakeholder contacts with interest in various NRC regulatory activities, categorized by types of interests (such as citizen groups concerned about decommissioning or storage of spent fuel) and by types of regulatory actions (such as oversight over medical uses of radionuclides, fuel cycle facilities, DOE installations). [ENHANCED PATH] 	Agree in concept, however, this would be a substantial initial and ongoing effort if done on an agency-wide basis. Since stakeholders tend to be program, issue or site oriented, it would be less resource intensive for each organization to continue maintain their own lists of stakeholders based on the specific program, issue or site. Offices will be requested to refine these lists in the course of implementing existing programs and projects.	DEDE	
IIB4	<ul style="list-style-type: none"> Apply uniformly in all regions public involvement initiatives that have proven successful in one. For example, Region II invites local and state officials to meetings at which SALP reports are discussed with licensees. After the public meeting is concluded, the Regional Administrator meets privately with these officials to address any questions or concerns they may have. Such good practices should be sought out and replicated. [ENHANCED PATH] 	Agree. Regional PAO's should compose best practices and OPA should distribute a consolidate list of ideas.	OPA	
IIC1	<ul style="list-style-type: none"> The Commission should establish an NRC-specific training course on the objectives, design, and implementation of public involvement processes. The course would explore the benefits of public involvement and attempt to provide an understanding of what motivates particular stakeholder interests, including the general public. Hands-on techniques would be used to prepare staff for addressing a number of situations they might encounter in a public meeting. The course would also cover the considerations that must be addressed in the design and implementation of an effective public involvement process. Several agencies, including DOE, DOT, and EPA routinely offer this type of training (tailored to their individual missions). As noted in the 	See I.A.1.	HR AEOD	OPA OGC

	<p>Presidential/ Congressional Commission risk report, one of the primary ways to ensure that stakeholder involvement is made part of the agency's regulatory mission is by "training risk managers to take part in stakeholder involvement efforts." The Committee would note that a specialized pilot course for NRC staff on facilitating external stakeholder meetings will be offered in June. [FOUNDATION PATH]</p>			
IID1	<ul style="list-style-type: none"> Incorporate the following objectives into the Strategic Plan: [FOUNDATION PATH] <ol style="list-style-type: none"> The public has a right to have a say in decisions about NRC actions that affect them. Public involvement should provide confidence that public opinions and concerns are seriously considered in the decision-making process. The NRC should actively seek out and facilitate meaningful involvement of those potentially affected by NRC actions. Participants in such meetings should be provided useful background material in advance to facilitate their meaningful involvement. 	<p>Disagree. The proposed FY 1998-2003 Strategic Plan includes a "Public Confidence Management Goal" with four strategies to inspire public confidence. The EC believes the thrust of this recommendation is adequately addressed in the proposed Strategic Plan.</p>	CFO	
IID2	<ul style="list-style-type: none"> Initiate a procurement with a firm specializing in survey design and public participation to develop and conduct a survey of active NRC stakeholders. [COMPREHENSIVE PATH] 	<p>Disagree. The EC believes commitment to such a survey is premature given plans for periodic stakeholder meetings and plans to implement many of the recommendations in this report.</p>	OGC	OPA
IID3	<ul style="list-style-type: none"> Revise Management Directive 6.3, "The Rulemaking Process," to require all rulemaking plans specifically address timely public involvement in the decision-making process. [ENHANCED PATH] 	<p>Agree. See II.A.1.</p>	ADM	NRR NMSS AEOD
IID4	<ul style="list-style-type: none"> Annual public meeting with stakeholders. [ENHANCED PATH] 	<p>Agree. The idea of an annual public meeting with stakeholders is worthwhile and should be sponsored jointly by the EDO, OGC, and OPA with participation by offices and regions. Organization and funding options need to be addressed.</p>	DEDE OGC OPA	Offices Regions
IIIA1	<ul style="list-style-type: none"> Ensure there is formal tracking for all correspondence, where necessary beyond what already exists for the offices of the Secretary and of the Executive Director. Some correspondence could be tracked at a management level of office director or below.(Spring 1998) [COMPREHENSIVE PATH] 	<p>Disagree. All program offices and regions have tracking systems in place to track office/regional level. A standardized agency-side system will be available upon implementation of ADAMS in FY 2000. Establishment of additional systems before that time would be inefficient.</p>	NRR NMSS RES AEOD	
IIIA2	<ul style="list-style-type: none"> Require that in the case of Commission correspondence on substantive issues, when a significant delay is deemed necessary, that the party who wrote the letter of inquiry should be informed by phone, mail or e-mail of a delay, given an explanation, and provided a best estimate on when to expect a response. Management Directive 3.57 "Principal Correspondence" should be amended to include this requirement, including a mechanism for requesting extensions when necessary. (3 months) [COMPREHENSIVE PATH] 	<p>Agree. The Office of the Secretary and the Office of the EDO should agree upon a specific procedure and amend appropriate guidance documents.</p>	OEDO SECY	CIO
IIIB1	<ul style="list-style-type: none"> Establish a screening process to apply when e-mails first come in. If the request is simple and straightforward and the recipient can answer with factual, publicly available information, he or she should do so promptly. If it raises what amounts to an allegation, it should be channeled into the formal allegation process. If it requires a formal, agency response, it should be so treated. [COMPREHENSIVE PATH] 	<p>Agree. The procedures for handling of e-mail need to be amplified. The EDO will organize a working group to address this issue.</p>	EDO	
IIIB2	<ul style="list-style-type: none"> If an e-mail is treated as an allegation or tabbed for a written agency response, the recipient should so inform the 	<p>Agree. NRR should establish guidance in this area within the next 12 months and it</p>	NRR	NMSS Regions

	sender. Also, a mailing address should be requested if one is not provided and, if necessary, a substantive clarification should be sought at that time. [COMPREHENSIVE PATH]	should be incorporated into appropriate Management Directives.		
IIIB3	<ul style="list-style-type: none"> Inform other appropriate NRC offices of the communication - for instance, OCA if the requester is a Congressional staffer, OPA if the questions come from a reporter. [COMPREHENSIVE PATH] 	See III.B.1	ALL	
IIIB4	<ul style="list-style-type: none"> If an e-mail comes from a student wanting background information for a school paper, or from someone interested in general information, it could be forwarded to OPA for a response. [COMPREHENSIVE PATH] 	See III.B.1	ALL	
IIIB5	<ul style="list-style-type: none"> Management Directive 3.57 should be revised to incorporate the Commission's policy decisions on the handling of e-mails. The new policy could be announced in a memorandum from the EDO to the staff. [COMPREHENSIVE PATH] 	See III.B.1.	CIO	
IVA1	<ul style="list-style-type: none"> Oct. 30, 1999: CIO should submit an updated strategy for the Commission to consider. [ENHANCED PATH] 	Agree. The CIO should implement as part of ADAMS.	CIO	
IVB1	<ul style="list-style-type: none"> Review the information required of licensees by the program offices to determine what is required for safety oversight in plant status reports, PNOs and other reports. (6 months) [FOUNDATION PATH] 	Agree. The EDO will task appropriate offices to conduct this review.	EDO	NRR AEOD
VA1	<ul style="list-style-type: none"> Clearly delineate NRC's educational responsibility and limits through the development of standard presentations and informational publications maintained at NRC headquarters. (10 months to develop) [COMPREHENSIVE PATH] 	This level of outreach would involve resources currently not available. While this is a desirable long term goal, it should be implemented as existing resources allow.	OPA	
VA2	<ul style="list-style-type: none"> Establish a central audiovisual library at NRC Headquarters to serve the entire agency, including the field offices, in implementing a more proactive outreach program. Develop and maintain standardized presentations and informational publications and other associated materials to include photographs, slides, view graphs, and diagrams of nuclear power plants, fuel facilities, major materials facilities, and material devices and uses. Presentation topics should include: what we do and do not regulate; licensing and enforcement; radiation basics; and response to emergencies. (12 months) [ENHANCED PATH] 	This level of outreach would involve resources currently not available. While this is a desirable long term goal, it should be implemented as existing resources allow. Resources suggested by OPA for implementing this recommendation should be considered as part of the FY 2000 budget review along with other competing programs.	OPA	
VA3	<ul style="list-style-type: none"> Continue current efforts in the development of standardized publications and presentations. OPA has produced a number of informational brochures on general and specific uses of radiation and produced an updated informational video on the NRC. These efforts should be updated and expanded, and attempts should be made to make the public more aware of the availability of such material, perhaps by notices on the NRC website. (Ongoing) [ENHANCED PATH] 	This level of outreach would involve resources currently not available. While this is a desirable long term goal, it should be implemented as existing resources allow.	OPA	
VA4	<ul style="list-style-type: none"> Expand the award-winning student corner of the website. (Ongoing) [COMPREHENSIVE PATH] 	While this is a desirable long term goal, it should be implemented as existing resources allow.	OPA	
VA5	<ul style="list-style-type: none"> Establish a Speaker's Bureau to arrange presentations to local groups such as the League of Women Voters, PTAs, Rotary and Lions Clubs, etc. Use materials contained in the audio-visual library. (12 months) [ENHANCED PATH] 	This level of outreach would involve resources currently not available. While this is a desirable long term goal, it should be implemented as existing resources allow.	OPA	
VA6	<ul style="list-style-type: none"> Provide early and substantial communications with the public, particularly local government officials and citizen groups, at "special interest" sites, such as fuel facilities, 	The EC believes this objective will be adequate implemented through other recommendations.	RA's	NRR NMSS

	decommissioning sites, reactors and waste disposal sites. This ought to include increased involvement by NRC resident inspectors or program managers in developing contacts with and answering questions of local community leaders. (ongoing) [ENHANCED PATH]		
VA7	<ul style="list-style-type: none"> Encourage use of audio-visual materials: during media briefings on events; in public announcements and meetings; under emergency situations; and during other appropriate briefings, training, and speaking opportunities. These presentations should be proactive and responsive to issues about which there is active or incipient public concern. One such example is the concern of the public over the transport of spent fuel, described by some critics as "mobile Chernobyls." The expectation is that public opposition will mount with increased transportation of spent fuel to an interim or permanent storage site. An informational transportation video, which provides a balanced, factual discussion of the precautions provided during transport, the high standards required of transport containers, and worldwide experience in the transport of radioactive material, would help address public questions and concerns. (Video projected and budgeted for FY 2000) <p>[ENHANCED PATH]</p>	This recommendation should be implemented on an ad hoc basis for high profile projects as part of the public involvement plan (see II.B.1).	OPA
VB1	<ul style="list-style-type: none"> Encourage initial and refresher training for NRC technical staff on "NRC: What It Is and What It Does." Also, encourage staff to read the NRC Annual Report and Information Digest. (Yellow Announcement to all staff -1 month) [COMPREHENSIVE PATH] 	Agree. HR should review past attendance and recommend attendance strategies which will maximize benefits within existing costs.	HR

ATTACHMENT 2

**REPORT OF THE
COMMUNICATIONS COORDINATING COMMITTEE
WITH
RECOMMENDATIONS ON
PUBLIC COMMUNICATIONS INITIATIVES**

William M. Beecher, co-chair
Francis X. Cameron, co-chair

Committee Members

Richard J. Barrett, AEOD
John W. Craig, RES
Donnie H. Grimsley, OCIO
Wayne D. Lanning, Region I
Josephine M. Piccone, NMSS
Linda E. Portner, OCA
Marylee M. Slosson/John A. Zwolinsky, NRR

March 24, 1998

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Enclosures:

- 1) DSI-14
- 2) SRM of March 14, 1997
- 3) Focus group attendees
- 4) Curriculum for Proposed Course on Public Involvement Process

Background:

In the SRM of March 14, 1997, the Commission directed the Executive Council to create a coordinating group to develop a plan to implement the Commission's policy guidance in Direction Setting Issue #14, "Public Communications Initiatives." This DSI addressed the need to improve the quality, clarity and credibility of communications with all NRC stakeholders, and particularly with the general public. The SRM focused on improvements in the broad areas of more effective written and oral communications with the public, early identification of public concerns, early involvement of the public in NRC regulatory decisions of substantial interest or concern, and more effective outreach to the general public on the roles and responsibilities of the NRC. The Executive Council appointed the Communications Coordinating Committee (CCC), co-chaired by William M. Beecher, Director of the Office of Public Affairs, and Francis X. Cameron, Special Counsel for Public Liaison in the Office of General Counsel, and consisting of senior members of several Commission and program offices, to address the issues and offer recommendations. This paper, with its enclosures, forwards the requested plan.

Discussion:

The CCC considered several sources of information in developing its recommendations. They included the experience of other agencies, the report of the Presidential/Congressional Commission on Risk Assessment and Risk Management, comments of and interviews with NRC Office Directors and Regional Administrators, public comments received during Phase II of the Strategic Assessment and Rebaselining process, and views offered by a cross section of stakeholders convened by the Committee on Dec. 11, 1997, to discuss a range of public communications issues. The Commission has been provided a transcript from the meeting, which also was posted on NRC's Internet website.

The CCC's basic approach was to evaluate NRC performance in the following broad categories: 1) clarity and timeliness of communications, 2) public involvement, 3) responsiveness to public inquiries, 4) public access to NRC information and 5) public outreach.

The Committee believes that necessary improvements in these five areas would significantly advance the Commission's goal, which is to foster better public understanding of, and trust and confidence in, the agency's regulatory program and activities. The CCC would further emphasize that another important factor in advancing this goal involves NRC decisions on generic and site specific issues. Public comments on DSI #14, as well as several statements made during the December focus group meeting, stressed that Commission or staff actions which could be perceived as being motivated by concerns for other than public health and safety issues, may undermine public confidence, notwithstanding how much more clearly the agency may articulate its message. Examples cited during the focus group meeting included: the almost universal denial of 2,206 petitions despite the fact that in some cases subsequent NRC decisions appeared to validate the safety issues originally raised in such petitions; the discontinuance of certain previously available reports of safety information; the elimination of the opportunity for an adjudicatory hearing on reactor decommissioning; and the limited opportunity for public involvement in the spent fuel storage cask certification process. Several participants in the full-day focus group session contended that the NRC appears primarily interested in keeping nuclear power plants up and running, rather than in addressing public concerns about safety. The staff would be quick to dispute that, but the perception is out there, particularly in the public interest community.

This is not to suggest the focus group was universally critical. The NRC's Internet website was described as one of the best in government and the main Public Document Room as particularly responsive to all comers. Virtually all at the focus session stressed the fundamental obligation of the NRC to tell the truth, what we know and don't know about an event at a licensed facility, and to put it into context. With this the CCC heartily concurs.

There will always be some who will disagree with the NRC's approach, particularly in an area as controversial as the use of radioactive materials. The important thing is to ensure that agency decisions are not only shaped by the safety significance of the issue and considerations of regulatory effectiveness, but also by considerations of public trust and credibility. If interested members of the public have an opportunity to voice their concerns and opinions early in the decision-making process, they will have greater respect for the openness and fairness of the process.

Since its inception the NRC has attempted to foster greater understanding of and confidence in the agency's regulatory oversight, whose fundamental

aim is to protect public health and safety in the use of nuclear materials. But the CCC recognizes the need to significantly improve the way the NRC does business, to do no less than change the culture of the agency, in order to adapt to changing needs in society and in the economy. To accomplish such goals, the Committee underscores the requirement for a concentrated and persistent effort by the leaders of the agency to stress their determination--up and down the chain of command--to achieve markedly improved communications. It has taken just such an effort to begin to transform the traditional mechanisms by which the NRC evaluates the safety performance of its licensees. No less an effort is called for in the way the agency should convey to all its stakeholders more clearly how it is carrying out its regulatory responsibilities and to open up the decision-making process to early suggestions and comments from all interested stakeholders. As a first step in this effort, the Committee recommends that the Chairman issue an "All Employees" statement on the signal importance of improved public communications and responsiveness in carrying out our regulatory mission.

Before proceeding to a summary of the CCC's findings and recommendations, there are some overarching issues identified in the SRM, related documents, and comments of interested stakeholders--both inside and outside the agency--which ought to be addressed.

One such issue is the question of balance in our reports. In performing our regulatory mission, it is incumbent on the NRC to painstakingly scrutinize the performance of our licensees in order to pinpoint issues that require management attention and correction. We are a public agency and our findings are, of course, discussed in public. In so doing, we do not mince words, for we want licensee management to grasp the seriousness of the need to address problems promptly. And we want the public to have confidence that we are carrying out our health and safety mission without fear or favor. At the same time, we should do a better job in putting our findings in clearer perspective, with emphasis on how they relate to safety. In the case of nuclear power plants, for example, each plant design offers several layers of safety systems to guard against catastrophic failure. If we find that a deficiency threatens to erode one such layer--reducing that margin of safety--we should say so, but also point to the overlapping defenses still in place. That would provide a better yardstick with which to measure risk.

Another such issue concerns responsibility. Without question it is the licensee's responsibility to ensure the safety of his facility; it was on that basis that a license was granted in the first place. Nonetheless, the public has a right to expect that the NRC will be sufficiently vigilant in its oversight function to insure that serious degradations in equipment, operational procedures, or management command and control are not allowed to occur unchallenged and uncorrected--and in a timely manner. That is one of the overriding lessons of Millstone. The NRC cannot wash its hands of a shared responsibility by pointing to the licensee as ultimately responsible. But in describing problems that arise--to the licensee and to the public--we must be scrupulous in putting events, practices and conditions in proper perspective, neither overstating nor understating the significance of the situation in terms of safety. Safety is our mission; helping to preserve the robust margin of safety designed into every nuclear power plant and into the use of nuclear materials in medicine, research and industry is why we exist. We must achieve a careful balance in describing what we find and what we require.

Another overarching issue concerns costs. From the start of our work nearly a year ago, the Committee was confronted by a dichotomy: Even as the agency's budgetary and manpower resources are shrinking significantly, the Commission directed the CCC, in effect, to think both inside and outside the box about what should be done to improve its communications-- particularly with the general public--but essentially within "existing resources." Every effort was made to avoid unnecessarily costly options. The CCC believes the costs of its recommendations are relatively modest, often incurred on a one-time basis, and are substantially outweighed by the benefits they could achieve. While some potential savings were identified, the Commission will have to decide which recommendations provide sufficient added value to justify their additional incremental cost.

This is particularly relevant to the Committee's recommendations on the need for specialized training. The CCC feels that however clearcut and sincere, rhetorical exhortations alone won't change a culture. Specially tailored training, particularly for supervisors who lead public discussions and oversee the writing of high profile reports, represent a necessary catalyst for change. There is already so heavy a burden of mandatory classes, which perforce take staffers away from hours of regular duties, that an agency-wide effort is underway under the direction of the Executive Council to evaluate the prioritization of training to ensure what's offered is needed and effective. The proposals the CCC makes in this regard will have to pass the value test as compared with the entire spectrum of competing courses. But the Committee feels it could do no less than propose what it believes will help fulfill the requirement called for in the SRM. You can hardly expect to change an inbred pattern of thinking without some focused, consciousness-raising training.

Policy coordination is another issue that requires greater attention. All too often, one program office will carry its planning quite far before bringing other elements of the agency into the discussion.

Particularly on those issues expected to have a high profile in the public arena, it is important to bring into the discussions from the conceptual stage all relevant parties, both from the staff offices and the Commission-level offices.

Still another commanding issue involves the organizational framework for the public communications and public involvement process. In its SRM, the Commission stated that "although there should be centralized planning and coordination of methodology for anticipating and involving the public in regulatory matters and decision-making, responsibility for implementing the methodology should reside with the program offices." The CCC has not recommended any changes in the existing organizational structure, which consists of the Office of Public Affairs as the office primarily responsible for informing the public of NRC activities; the program offices, which have the responsibility for interaction with the public in the context of specific regulatory actions; and the Special Counsel for Public Liaison, who provides assistance to the staff in the design and implementation of public involvement processes.

However, the Committee has recommended that a standing body somewhat like the CCC be established to provide timely advice and coordination in dealing with budding issues of public concern. And a potential organizational issue arises from a pilot training course, offered for the first time this year, aimed at establishing a cadre of facilitators to assist the staff in conducting public meetings and workshops. Although it is premature to decide whether this cadre should be placed within one organizational unit or remain in the various program offices, the CCC flags this to the Commission for future reference.

Even as the CCC believes all its recommendations are worthy of serious consideration by the Commission, after consultation with the Executive Council it was decided to offer three categories of packages: the Foundation Path list, actions we feel ought to be implemented without delay; the Enhanced Path list which have high priority but are less urgent; and the Comprehensive Path, which includes the remainder of the proposals. Each is categorized under one of these three headings in this Report.

The Committee believes the thrust and many of the detailed proposals of our recommendations are entirely consistent with that section of the revised Strategic Plan for FY 1998-2003 dealing with Public Confidence. To wit:

"Public confidence in the NRC will be diminished if the information we disseminate is not technically sound, clear, accurate, reliable and timely. Our communications with the public must be designed to foster greater understanding of and confidence in our regulatory program... Our words must be consistent with our actions and priorities... We will emphasize to each employee who prepares written documents or orally communicates with the public that these communications must be technically sound, clear, accurate, and understandable to the public. We will implement this strategy through training, establishing document standards targeted to improve understanding, and encouraging the use of plain English."

OVERVIEW

Ask anyone at the NRC what the agency's primary mission is and without hesitation the universal answer is to protect public health and safety. But it is not enough to scrupulously pursue that objective if the public finds it difficult to understand how we carry out our regulatory tasks and why we make the decisions that we do. Representatives of some public interest groups, as underscored during a full day focus group meeting with the CCC in December, said in some communities the NRC must first reestablish its credibility, even as it tries to clarify its message. Furthermore, as an agency we too often are remiss in not explaining problems we uncover in the context of the multiple layers of protection built into every nuclear plant design. Specifics are vital so that problems can be addressed and corrected promptly by the licensee. But so is context, so the public will be provided better perspective with which to assess potential risk.

Most importantly, we must never lose sight of the fact that both the NRC and its licensees are accountable to the public--a public which tends to be inherently nervous about all things nuclear.

In an earlier age, it might have been enough to say: We're the experts. We're on top of this. Trust us.

But the public now wants--and has a right--to be heard, to question, to voice its worries and opinions, before decisions are made which can affect the community at large.

Insofar as possible within the constraints of a shrinking budget, we must take a number of steps to improve the ability of NRC supervisors and technical staff to communicate more clearly and credibly--providing not only transparency to our process, but also balance and context to our findings. And we must demonstrate greater sensitivity to public concerns. As pointed out in the Presidential/Congressional Assessment and Risk Management report of 1997: "Regulatory agencies should adopt...communications programs that emphasize both the learning and explaining activities of communication."

At the start of our efforts, we canvassed a number of agencies and companies to see whether we could gain useful ideas from their efforts to improve communications with and service to their customers. They included the Consumer Products Safety Commission, the Federal Energy Regulatory Commission, the Federal Trade Commission, the Internal Revenue Service, the Securities and Exchange Commission, the American Red Cross, Adventist Health Care, the National Science Foundation, Washington Gas Light Company, the Brookings Institution, the Department of Energy, the Environmental Protection Agency, and the Department of Transportation.

There are basic differences, of course, between the roles and missions of the NRC and many of those contacted. Several of them are promotional and employ advertising, public relations and marketing firms, using consumer surveys, polls, and promotional newspaper ads, radio and TV spots--which for the most part would not be appropriate for the NRC.

Very extensive use of the Internet is being practiced by the IRS, the FTC, the SEC, the Red Cross, and the National Science Foundation. The FTC, for instance, not only puts all its news releases, reference documents, and full case summaries on the Internet, but also provides a plain English analysis of each case to aid public understanding and encourage comment.

The SEC has published a draft "plain English" handbook to encourage the use of clear and simple language for staffers who write opinions, as well as for those who file information with or lodge formal questions to the agency. The draft was put on its website and comments solicited. Internally, the SEC says it provides constant training to improve the clarity of expression by attorneys and other staff in writing decisions and opinions.

The SEC and the National Science Foundation, in particular, make a major effort to seek speaking opportunities before civic and other organizations to help educate the public on what they do and the issues they confront.

In addition, the Committee reviewed what other agencies have done in the field of public involvement. As with the NRC, other agencies also are moving away from involving interested members of the public and other stakeholders only at the end of the decisional process toward involving them early where their views can have some impact on decisions. As this trend has evolved, there are fewer large public hearings in favor of focused workshops, advisory groups and one-on-one interviews.

Notable among the programs of other agencies is the Department of Energy's public participation program. It stresses several core values, including accessibility, accountability, accuracy, honesty, respect, fairness, responsiveness and scientific credibility. These values and goals have been made part of the performance element of DOE managers. DOE has a well-developed public participation training program for managers and staff, as have the Environmental Protection Agency and the Department of Transportation.

In addition to consulting the Presidential/Congressional Commission risk report, we also got some useful insights from a paper on risk communication in the September 1997 issue of Health Physics by K.L. Ng and D.M. Hamby. "Historically," they observed, "risk communication was largely a one-way form of communicating, with the public being told what the experts think to be important. The risk communicators have been the interpreters, clarifiers, and simplifiers of technical jargon. This is no longer considered acceptable or sufficient by the public; the public wants to be involved."

On the issue of public confidence, they declared: "Trust takes time to build, it is fragile--it can be destroyed in an instant. It requires continuous reinforcement and maintenance. It is very important to remain candid and honest; this means being ready, able and willing to be forthcoming and to reveal all that is known or believed about the issue, and that possible controversial information should be quickly distributed. If there is a communications void between the risk communicator and the public, this void will be filled by speculation, rumors or misinformation."

And, finally, on dealing with the press, they said: "It is very important that the following actions be followed when communicating with the news media: do not disseminate self-serving data; do not make irrelevant comparisons; do not downplay risk potential; do not use technical jargon; do not employ non-credible or incompetent sources; do not take adversarial postures; do not stonewall or act inaccessible; and do not ignore public concerns. And, most importantly, be proactive establishing dialog with journalists."

As an aid to the Commission in its deliberations, the CCC intends at an early and appropriate time to put its report on the Internet for stakeholder information and comment which will be relayed to the Commission expeditiously.

There follows the body of the Committee's report:

CLARITY AND TIMELINESS OF COMMUNICATIONS

While technically proficient and well-motivated, with some notable exceptions NRC people are perceived all too often as doing a less than adequate job in communicating with the public, both in hard-to-understand documents and statements at public meetings. Part of the problem arises naturally from the fact that the NRC deals with highly technical matters. Nonetheless there are separable issues at play that can and should be addressed.

Issue:

While jargon and technical language are our stock and trade, and work reasonably well in dealing with licensees, we often are not very effective in dealing with our other stakeholders, and particularly not with the public at large.

It's not uncommon for NRC public affairs officers around the country to hear complaints that in some instances we don't seem especially anxious for the public to understand what we're dealing with, preferring to keep the dialogue between the regulator and the regulated. But if the public is to trust the agency when it offers assurance that a licensed facility or activity is safe, we must do a better job in consistently making more understandable and accessible what we're talking about. We must also demonstrate genuine interest in addressing concerns and assessing differing points of view.

An instructor who teaches those writing courses currently available at the NRC said it's her experience that a fair number of employees seem to know how to write relatively clearly when they first come to the agency, but quickly learn to write reports in a dense bureaucratic style in order to gain concurrence from their supervisors. Part of the answer therefore is remedial education with emphasis initially on supervisors who lead public discussions and oversee the editing of high profile reports. Unless supervisors are persuaded that clarity, understandability and credibility are vital, an effort to reach out to a larger staff population may be largely wasted.

Goal:

To make our written and spoken words more understandable to the general public.

Recommendations/Milestones:

IA1

Develop a half-day course for the supervisors, managers and certain technical staff who together constitute a cadre of communicators and who, by virtue of their jobs, have a special responsibility to communicate clearly and to ensure their subordinates do so as well. The directors of NRR, NMSS, AEOD and RES and the Regional Administrators may designate who belongs in this cadre estimated at about 300-400 persons. A lecture-type course could be taught largely by the staff, with limited contract support. It would have four 1-hour segments. Time would be allowed for a significant amount of question-and-answer interaction between audience and lecturers. Conceptually, the four segments would feature:

- 1) The art of simple explanation and clear exposition. (Contractor),
- 2) Recognition that the public, whose health and safety we are charged to protect, is one of our most important clients and that if we fail to communicate clearly with the public--to include concerned citizens, reporters and all others--we are not fulfilling an important part of our responsibility. (OPA--Beecher),
- 3) Specific examples of text that is impenetrable to the layman with demonstration of how the same material could be handled more understandably. (NRC staff--Coblentz),
- 4) How to conduct an effective, responsive public meeting (OPA--Greenman).

Course materials would be developed for the instruction (2 months), and afterwards it would be taught quarterly over the course of a year to the cadre of supervisors. **[FOUNDATION PATH]**

IA2

In alternate years, larger numbers of staff, again designated principally by program office directors and regional administrators could be given the same instruction. This would be followed up in these alternate years with small, two-hour sessions for technical staff and their immediate supervisor. This would be hands-on instruction with word processors. Interactive teleconference capability would enable doubling up some sessions to include one team at headquarters and one in the region.

Course materials would be developed for the 2-hour course (2 months), and then taught two classes per day for 16 days, spread throughout the year. These would be coordinated to follow the 4-hour course every other year. **[ENHANCED PATH]**

Alternatively, if the Commission feels the burden of other mandatory classwork requires, this schedule could be spaced over four years rather than over two. A decision could be made thereafter how often to repeat this cycle.

In addition, this improved communications theme should be incorporated into existing technical training courses.

IA3

Adopt a format for both technical reports and public meetings that includes a clear Executive Summary. Start off each high profile technical paper, including such things as AITs, with a brief Executive Summary of perhaps a page or two, stating the problem and NRC's findings in language the layman can comprehend. Such findings must be put into context, explaining both the safety significance and that the system or component in question is part of an overlapping series of safety measures designed to guard against any harm to the public. Helping people understand the potential degree of risk was one of the major suggestions of the Presidential/Congressional risk report. **[FOUNDATION PATH]**

By the same token, NRC public meetings with licensees could start with a brief "tutorial" in which the issues about to be discussed in technical detail would be put into context, with their safety significance underlined. From time to time, if the senior NRC official present senses that the public may be lost in the technical maze, he might interrupt very briefly to explain the significance of what's being discussed. This would not only make it easier for non-techies in the audience to follow the drift of the necessarily technical discussion, but would make them feel welcome, make them feel the NRC wants them to understand what's going on while, at the same time, conceding that the agency must deal in technical detail with its licensees on technical issues. **[FOUNDATION PATH]**

IA4

Management Directive 3.5 "Public Attendance at Certain Meetings Involving the NRC Staff" and 3.2 "Distribution of Unclassified NRC Staff and Contractor-Generated Documents" would need to be revised to incorporate the change in format for both public meetings and reports. This would be announced in a memorandum from the Executive Director for Operations to employees. **[FOUNDATION PATH]** (2 months)

Effectiveness Measures:

Review Executive Summaries to assess their clarity, and see whether newspaper stories based on both public meetings and NRC documents demonstrate that clarity is being achieved.

Use brief questionnaires on NRC's Web site and at public meetings to get feedback on the effort to make information more accessible.

Costs:

Estimate approximately four half-day classes of 100 each from headquarters and the regions (the latter participating by videoconferencing) during the first year and four classes of about 200 each for other staffers in headquarters and the regions the second year. Actual numbers, which could be lower, would be designated by the major offices and the regions.

(\$12K-contractor for each year; 0.2 FTE-to develop and teach course; and additional FTE, if you count the time away from regular work to attend classes)

In alternate years, estimate approximately 32 follow-on, 2-hour classes of about 25 each in headquarters. Using interactive videoconferencing, several sessions could be simultaneously linked to regional offices.

(\$6K-contractor, 0.2 FTE-course work)

Issue:

We tend to use unnecessarily opaque and ambiguous language, for any number of reasons. Some of this language is "boilerplate," stock phrases and constructions that have been applied to certain situations and findings for years. There is not universal agreement, even within the agency, on what each of these expressions means. Some critics contend this demonstrates either disinterest in or disdain for broader accessibility. Some descriptions appear to be designed to finesse a troublesome situation without raising public alarm. It is important not to be alarmist, of course, but also important to be clearer and more precise in our communications so that all stakeholders understand exactly what we are trying to convey.

A question is sometimes raised about the "balance" of our regulatory pronouncements at public meetings assessing the performance of licensees. In describing an AIT, IIT or SALP report, for instance, do we balance the good with the troubling, or focus inordinately on the latter? Are we consistent among the four regions on this score?

The Committee found that as a rule both Regional Administrators and other senior staff attempt to provide a balanced perspective and context, even while making clear where we feel the licensee has failed to meet regulatory requirements. But there have been isolated instances when this delicate

balance has not been achieved.

Goal:

Explain technical jargon, boiler-plate language, acronyms, and regulatory findings in a balanced way in our writing and speaking so that the public can better understand what we're trying to convey.

Recommendations/Milestones:

IB1

Conduct review by the technical staff of the glossary of nuclear expressions that recently was posted on the NRC Website and both expand and enhance it to include often-used expressions with clear, agreed definitions in plain English. When a report is being drafted, the technical staff must be aware not only that the licensee must understand, but insofar as possible the public ought to as well. In addition to a clear, plain English Executive Summary, in the body of the report the first time an expression such as "small break LOCA" or "ALARA " is used, it should be spelled out briefly. As it happens, INPO reports, which are not written for the public but for plant management, nonetheless tend to treat technical conclusions in direct, focused, comprehensible prose. The glossary developed by the Presidential/Congressional risk report will be used as a reference. (1 year) **[ENHANCED PATH]**

IB2

Distribute the glossary to all employees with guidance to limit use of jargon and encourage use of plain English definitions in writing and speaking to the public. (1 month after glossary is updated) **[FOUNDATION PATH]**

IB3

Have both the Commission and topmost NRC management periodically stress to subordinates the need to convey our findings and conclusions not only clearly but in a carefully balanced way, neither overstating nor minimizing our concerns. If, for instance, we conclude that the underlying cause for an event is a lack of effective command and control by management, even though that in itself is not a specific, enumerated requirement of our regulations, we should state our conclusion and back it up, and then cite the specific derivative infractions that we uncovered. (Periodically as appropriate.) **[FOUNDATION PATH]**

IB4

Obtain the appropriate technical staff's initial evaluation and areas of concern before discussing an event with the public or the media. There should be little if any speculation on second and third order possibilities or scenarios in addressing particular NRC concerns about the specific event. This must be a two-way exchange, with public affairs officers alerting technical staff to anticipated media questions and public reactions. By the same token, technical staff, in writing about an event in a format that will be posted on the Internet, should discuss their description with a public affairs officer who may be more sensitive to how their words will be perceived and whether they clearly convey what is intended. (Ongoing) **[FOUNDATION PATH]**

Effectiveness Measures:

Survey the public on the usefulness of the glossary on the Website. If comments come in suggesting the need for additional definitions, add them as appropriate to the glossary, which should be viewed as a living document.

Survey public at meetings by the use of a short questionnaire to evaluate the understand-ability of discussions. Suggestions may be offered that will help improve future meetings.

Review a sample of documents to determine whether use of jargon has been reduced. Contact appropriate supervisors on those reports that need greater effort in this regard.

Review a sample of news articles to assess whether the effort at greater clarity appears to be having impact.

Costs:

(0.2 FTE for glossary expansion and document review; 0.2 FTE for coordination between staff and OPA on drafting PN and dealing with press).

Issue:

There is an attitudinal problem underlying some of our communications difficulties that can be attributed to a cultural bias. A limited but not insignificant number of staffers view the licensee as the principal client and others--interested citizens and concerned critics, for example--as an impediment at best. For such staffers there is little incentive to make our communications more understandable to non-licensees. This attitude does not help build or maintain trust on the part of the public, one of our important objectives.

The Commission and top managers need to make absolutely clear to the staff on a regular basis that the public is and should be treated as one of our most important clients. We respect the licensee, we work closely with him, we want him to succeed in carrying out his primary responsibility of ensuring the safe operation of his facility. But we must never lose sight of the fact that both the licensee and the NRC are accountable to the public.

The "Openness" element in the NRC's Principles of Good Regulation underscores the point that "nuclear regulation is the public's business, and it must be transacted publicly and candidly." But actions are needed beyond such positive rhetorical exhortations.

Goal:

Treat the public as one of our most important clients.

Recommendations/Milestones:

IC1

Include in the annual performance appraisal of all appropriate individuals a specific performance element dealing with both the clarity of their communications (written and oral) and their sensitive responsiveness to the public. Senior managers should discuss and underscore the need for both clarity and sensitivity in their one-on-one reviews with employees and make every effort to assure that this performance element is taken seriously in their rating and not just checked off reflexively. (3 months to develop performance element and incorporate into appropriate appraisal forms.)

[ENHANCED PATH]

IC2

Issue a Staff Requirements Memorandum or policy statement, as appropriate, from the Commission in which it makes clear its view to senior staff managers and all employees that the fundamental reason we exist as an agency is to protect public health and safety, and that means the general public is one of our most valued clients. (1 month) **[FOUNDATION PATH]**

IC3

Reinforce this message repeatedly up and down the chain of command. **[ENHANCED PATH]**

Effectiveness Measures:

Periodically check appraisal ratings on the performance element dealing with public communication.

Cost:

0.2 FTE

Issue:

As an agency, the NRC tends too often to be reactive rather than proactive in dealing with what should be predictable problems relating to public concerns.

Goal:

Provide early identification of public concerns and methods for effectively dealing with them.

Recommendations/Milestones:

ID1

As a regular feature at the Executive Director's weekly Friday staff conference, query the agency's top managers for issues of potentially serious public concern looming on the horizon that ought to be considered on an intra-agency basis. (Weekly) **[FOUNDATION PATH]**

ID2

Establish something similar to the Communications Coordinating Committee as a standing body to evaluate and develop viable solutions to the issues that require prompt attention. For example, earlier this year, it became apparent that the citizens' group which had opposed the decommissioning of Yankee Rowe in Massachusetts intended to launch a similar campaign at the first public meeting on Connecticut Yankee decommissioning. A comprehensive NRC press briefing was conducted several days in advance so the issue would be defined in all its dimensions for the community and a multitude of questions answered before the public meeting. Lengthy, balanced news accounts appeared the weekend before the public meeting, providing understandable technical background of value to the people attending. (1 month) **[FOUNDATION PATH]**

Effectiveness Measures:

Assess instances of balanced reporting of public concerns.

Evaluate correspondence that identifies NRC's poor handling of public concerns.

Costs:

(0.12 FTE to organize group and meet as needed)

Issue:

How to generate identification of issues of public concern at the grassroots, for relay to senior managers.

Goal:

Earlier identification of potential issues of public concern.

Recommendations/Milestones:**IE1**

Modify existing training courses for license reviewers (Licensing Practices and Procedures), inspectors (Fundamentals of Inspection, Inspection Procedures), and technical project managers to include discussions of the need to bring budding issues of public concern to NRC management attention at the earliest possible time. License reviewers and inspectors, for example, have day-to-day contact with licensees and members of the public and, in-so-doing, receive early warning of incipient issues. (3 months) **[ENHANCED PATH]**

IE2

Enhance communications with local governments. In the case of a significant event, problem licensee or site of special interest, the NRC should expand the practice of sending copies of incident reports and enforcement correspondence to the state, by including appropriate local governments on distribution. They are intimately aware of grass roots issues and should be encouraged to pass those along. (2 months) **[FOUNDATION PATH]**

Measures of Effectiveness:

Conduct follow-up course evaluation six months after training to determine from staff's vantage whether they are routinely identifying and forwarding incipient issues of public concern.

Cost:

(1 FTE)

THE PUBLIC INVOLVEMENT PROCESS

The Committee considered several sources of information in developing its recommendations for improving public involvement. They included the experience of other agencies, evolving trends in public involvement programs, the report of the Presidential/Congressional Commission on Risk Assessment and Risk Management, and comments from NRC office directors and regional administrators, as well as from external stakeholders.

The Department of Energy's Public Participation Policy has as its underlying premise that genuine public involvement leads to better, more informed decisions. DOE's goals, similar to those expressed in the NRC's Strategic Plan, are to actively seek and consider public views and concerns in making agency decisions; to ensure the public is informed in a timely manner in order to have an opportunity to fully participate in the decision-making process; and to incorporate credible, effective public participation in the agency's planning and decisions. DOE's policy establishes 15 core values, including accessibility, accountability, accuracy, honesty, respect, fairness, responsiveness and scientific credibility. Such values and goals have been made part of the annual performance evaluation of DOE managers.

In an effort to determine what makes for a successful public participation program, DOE has done several surveys and studies. It concludes that to be effective, program planners must assess whether DOE's decision-making process provides for full and active stakeholder participation; whether the decision-making progress is seen by stakeholders as legitimate; whether the public has trust and confidence in DOE or a specific affected DOE facility; whether key agency decisions are improved by public participation; and whether it serves to help accomplish the agency's mission.

DOE has a well-developed public participation training program for its senior managers and pertinent staff. The Environmental Protection Agency requires those involved in Superfund site-specific projects to take specialized training. The Department of Transportation has a mandatory course in public involvement techniques for its senior decision-makers.

The Commission on Risk Assessment emphasized that stakeholder involvement is critical in making and implementing "sound, cost-effective, informed management decisions." It held that decisions made in collaboration with interested stakeholders are more effective and durable and that such stakeholders bring to the discussion important information, knowledge, expertise and insights. Collaborative efforts, the Commission found, help to bridge gaps in understanding, values and perceptions and provide essential help "enabling all parties to make informed decisions about reducing risks."

Significantly, the Commission stressed that "collaboration does not require consensus, but it does require that all parties listen to, consider and respect each other's opinions, ideas and contributions."

The Commission recommended that such stakeholder participation be made part of a regulatory agency's mission by:

- Creating an office that supports stakeholder processes;
- Seeking guidance from experts in the field;

- Training risk managers to participate in such stakeholder involvement efforts;
- Building on the experience of other agencies and community partnerships;
- Emphasizing that such activity is of necessity a learning process.

The NRC's recent public involvement initiatives have demonstrated growth and maturity. We have been moving away from allowing people just to be heard at the end of the process towards involving them early enough to have some impact on decisions; away from exclusively soliciting comments from a broad, undifferentiated public towards programs targeted at the most affected and interested groups; away from huge public hearings toward advisory groups, workshops, working groups and one-on-one interviews.

There has been a dramatic change in the NRC's public involvement process over the last several years. Beginning with the rulemaking on the radiological criteria for decommissioning in 1993, the Commission has attempted to provide for the early and active involvement of the public in its decision making process, including the broad spectrum of stakeholders affected by the proposed regulatory action. In addition to the radiological criteria rulemaking, the Commission has held numerous public workshops on other generic regulatory and policy issues, such as the regulation of fuel cycle facilities, the Agreement State compatibility policy, the regulation of generally licensed radioactive source and devices, and the development of the Strategic Plan. The NRC has also established "public information roundtables" at selected decommissioning sites to involve the local communities more closely in that process. These public involvement efforts have not only provided the Commission with valuable information for use in its decision making process, but also have enhanced the credibility of the openness of the Commission's regulatory process. In addition, the NRC has an "open meetings" policy to give public access to staff meetings with licensees.

The Commission also has undertaken other novel public involvement projects designed to use state-of-the-art computer technology to maximize communications between the NRC and the public. One is the RuleNet project which represents a step toward combining two public participation approaches: early public comment and interaction on enhanced participatory rulemaking using Internet. It permits interested parties to communicate with one another and with the NRC with the aim of further defining issues, eliminating possible misunderstandings and finding areas of common ground. In addition, the agency has established other public involvement procedures, such as its "open meetings" policy, and various office procedures on environmental justice in implementing the National Environmental Protection Act.

Despite NRC efforts to improve the public involvement process, it was clear from the December focus group meeting that some public interest and community groups are distrustful of the NRC's regulatory process. Concerns were expressed that the NRC staff seemed more interested in helping licensees lower operating costs and keeping plants "on line" than addressing what some critics insist are more pressing health and safety issues. One repeated criticism focused on the 2.206 petition process where it was asserted that petitions were often dismissed for "legalistic" reasons with little effort to consult with petitioners to see whether there might be some merit in the underlying concern. Another complaint was of efforts to diminish or even eliminate public involvement in such things as spent fuel cask certification and reactor decommissioning.

The fundamental goal of public involvement activities is to increase opportunities for the public to influence agency decisions. Not that all stakeholders can or should be pleased at all times by all NRC decisions. But, ideally, the NRC should strive for a process wherein even those who disagree with a decision will feel the process was fair, open, and that time was taken to solicit the views of all interested parties. This is a goal the Committee endorses and offers its recommendations with that objective in mind.

The CCC believes the NRC must be scrupulous in examining new rulemaking and policy proposals to ensure that meaningful public participation opportunities are not eliminated from the present regulatory framework in the name of efficiency. The reduction, elimination or disregard for public participation in one area of major public concern could undermine the credibility gained by considerable effort to introduce effective public involvement in other areas.

Issue: Early identification of public involvement needs

In some cases public involvement considerations are not thought of until late in the decision making process. This may leave insufficient time for careful planning or the budgeting of the necessary resources. Consequently the public involvement process at best, is not used to the NRC's advantage, or at worst, is poorly designed and implemented. Thoughtful, advance planning is necessary to ensure the proper format is developed; that suitable facilities are booked; that stakeholders are adequately represented; that sufficient, timely notice has been provided; and that understandable background material has been developed and distributed early.

Goal:

To identify public involvement needs early enough to ensure effective planning and implementation.

Recommendations/Milestones:

IIA1

Greater attention should be given to public involvement needs in drawing up Rulemaking Plans. And when it is determined to provide such expanded effort, the plan should provide more detail on planning time and resources necessary to conduct the effort effectively. **(0.25 FTE annually)**

[FOUNDATION PATH]

IIA2

The EDO's Feb. 12, 1996, memorandum (codified in Management Directive 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff") established criteria for when a public meeting may be appropriate for a specific facility or site. It emphasized the benefit of considering this option very early in the process. The Management Directive should be revised to require all division directors to periodically assess whether a public meeting is needed to focus on particular issues at a specific facility. **(0.25 FTE annually) [ENHANCED PATH]**

Actions or events which may necessitate additional public involvement efforts should be routinely explored at the weekly EDO staff meetings. **(negligible FTE) [FOUNDATION PATH]**

Measures of Effectiveness:

Assess Rulemaking Plans to determine whether the criteria for special public involvement needs had been applied, and whether the information provided in the Plan relative to special public involvement needs had led to better planning and implementation of the public involvement process.

Track the number of instances where a "crisis" atmosphere would likely not have emerged had the agency anticipated the need for special public involvement processes.

Track the instances in which significant public criticism directed at the Commission would have been less likely had a special public involvement process been utilized.

Evaluate periodic assessments under Management Directive 3.5.

Costs:

FTE costs associated with the above actions are provided in parentheses after each Milestone.

Issue: Effective design and implementation of public involvement processes

Inadequate implementation involves more than simply a lack of sufficient time and resources. For example, the appropriate stakeholder interests may not be represented in the process, adequate notice may not be provided; meeting locations and facilities may be inappropriate; proper background material may be lacking; and meeting agendas may be poorly structured. Finally, well-designed and properly implemented public involvement processes are not uniform across the agency.

Goal:

To ensure that the public involvement processes are effectively and efficiently planned and implemented uniformly throughout the NRC.

Recommendations/Milestones:

IIB1

Major initiatives, such as a proposed reactor decommissioning, should require preparation of a public involvement plan. Essential elements would include the objectives of public involvement; the need to identify interested stakeholders; developing a game plan on whether to include broad public meetings, workshops, meetings with local officials and journalists; and consideration of special arrangements. The plan should be coordinated among appropriate offices and approved by senior management for both policy and resource reasons. Any Rulemaking plans which identified the need for special public involvement and special public meetings identified as part of the periodic assessment discussed above would need to address the same agenda of issues. **[FOUNDATION PATH]**

IIB2

Develop a Public Involvement Handbook for the staff for use both in a new training course (discussed below) and as a handy reference in implementing public involvement activities. The handbook should include basic conceptual issues such as designing a particular public involvement plan to the agency's specific objectives, and "how to" guidance on booking an appropriate meeting place, issuing public notices, and insuring the availability and advance distribution on background material. The cost would be a necessary part of the cost of developing the training course. In addition, an attempt will be made to harmonize all of the individual office procedures related to public involvement. **[FOUNDATION PATH]**

IIB3

Compile specialized lists of stakeholder contacts with interest in various NRC regulatory activities, categorized by types of interests (such as citizen groups concerned about decommissioning or storage of spent fuel) and by types of regulatory actions (such as oversight over medical uses of radionuclides, fuel cycle facilities, DOE installations). **[ENHANCED PATH]**

IIB4

Apply uniformly in all regions public involvement initiatives that have proven successful in one. For example, Region II invites local and state officials to meetings at which SALP reports are discussed with licensees. After the public meeting is concluded, the Regional Administrator meets privately with these officials to address any questions or concerns they may have. Such good practices should be sought out and replicated. **[ENHANCED PATH]**

Measures of Effectiveness:

Conduct periodic surveys of project managers as to the usefulness of the handbook.

Make periodic assessment by the Special Counsel for Liaison on whether there is a reduced need to assist staff in the design and implementation of public involvement activities.

Track major problems that might arise and make course corrections, as appropriate.

Ensure that stakeholders who complain they have been left off a particular invitation list are added to appropriate lists.

Costs:

The expense of developing a handbook would be subsumed under the cost of developing a public involvement training course tailored to NRC's needs and responsibilities. **(0.25 FTEs to compile stakeholder lists and 0.01 FTEs to update annually)**

Issue: Increased staff understanding of public involvement process

At the December focus group meeting, some stakeholders complained that the demeanor of certain staff at public meetings was counterproductive to what the NRC was trying to accomplish, because of insensitivity to public concerns, speaking largely in difficult to comprehend technical terms, or exhibiting impatience with questions or even arrogance. This was certainly not a universal condemnation. Other senior NRC staff, they said, conducted themselves in an exemplary manner. The point is there is wide variance in the staff on how to conduct themselves at public meetings.

Goal:

To ensure the staff is aware of the need for and value of public involvement in the regulatory process and that it is knowledgeable about planning and carrying out such responsibilities.

Recommendations/Milestones:**IIC1**

The Commission should establish an NRC-specific training course on the objectives, design, and implementation of public involvement processes. The course would explore the benefits of public involvement and attempt to provide an understanding of what motivates particular stakeholder interests, including the general public. Hands-on techniques would be used to prepare staff for addressing a number of situations they might encounter in a public meeting. The course would also cover the considerations that must be addressed in the design and implementation of an effective public involvement process. Several agencies, including DOE, DOT, and EPA routinely offer this type of training (tailored to their individual missions). As noted in the Presidential/Congressional Commission risk report, one of the primary ways to ensure that stakeholder involvement is made part of the agency's regulatory mission is by "training risk managers to take part in stakeholder involvement efforts." The Committee would note that a specialized pilot course for NRC staff on facilitating external stakeholder meetings will be offered in June. **[FOUNDATION PATH]**

Measures of Effectiveness:

Course evaluations.

Conduct periodic surveys of students who have taken the course to assess the extent to which they have applied the knowledge provided in the course.

Costs:

The approximate cost of developing the course material and providing instructional services for the initial pilot would be approximately **\$65,000**. This would include the development of a standardized Instructor's Guide and Participant Workbook that would enable the course to be routinely replicated for future offerings. Each session would cost approximately \$5000. A outline for the course is attached. **(0.02 FTE)**

Issue: Overall Performance Measures

Although the Strategic Plan contains a broad goal touching on public confidence--i.e., to "provide the public, those (they) regulate, and other stakeholders in the national community, with clear and accurate information about, and a meaningful role in, NRC's regulatory program..."--the Committee suggests the Commission consider more specific objectives. These would help the staff develop public involvement programs and serve as a baseline against which progress could be measured.

Goal:

To ensure the NRC's public involvement efforts provide value and credibility to the decision making process.

Recommendations/Milestones:**IID1**

Incorporate the following objectives into the Strategic Plan:

[FOUNDATION PATH]

- 1) The public has a right to have a say in decisions about NRC actions that affect them.
- 2) Public involvement should provide confidence that public opinions and concerns are seriously considered in the decision-making process.
- 3) The NRC should actively seek out and facilitate meaningful involvement of those potentially affected by NRC actions.
- 4) Participants in such meetings should be provided useful background material in advance to facilitate their meaningful involvement.

IID2

Initiate a procurement with a firm specializing in survey design and public participation to develop and conduct a survey of active NRC stakeholders.

[COMPREHENSIVE PATH]

IID3

Revise Management Directive 6.3, "The Rulemaking Process," to require all rulemaking plans specifically address timely public involvement in the decision-making process. **[ENHANCED PATH]**

IID4

Annual public meeting with stakeholders. **[ENHANCED PATH]**

The survey would be designed to clarify NRC stakeholders views on the credibility of the agency; gauge awareness of the breadth of NRC public involvement activities; and solicit suggestions for improving how the NRC interacts with stakeholder groups. Stakeholders include environmental and other public interest groups, private citizens living near NRC licensed facilities or activities, private sector companies, officials of other federal agencies, state and local governments, and representatives of Native Americans.

Measures of Effectiveness:

An evaluation survey should be prepared and administered for every major public involvement process the Commission conducts.

The NRC should convene a periodic meeting, perhaps annually, with a small group of the representatives of the various categories of stakeholders affected by Commission regulatory actions. The purpose would be to review the status of the Commission's public involvement efforts, applying the performance measures to the attributes, and making recommendations for improvement.

Costs:

The development and implementation of the survey would cost an estimated **\$40,000**. This assumes interviews with about 200 stakeholder representatives. NRC officials would help design the survey to ensure it captures all critical baseline information, a sampling plan that ensures the data will be representative of key stakeholder groups, and a data analysis plan that meets agency program needs. Any follow-up tracking surveys would cost an estimated **\$20,000**. **(0.01 FTE to help develop survey format; periodic meetings with stakeholders would require 0.3 FTE and about \$5,000 annually)**

RESPONSIVENESS TO PUBLIC INQUIRIES

The NRC recognizes the need to provide timely and accurate responses to inquiries from members of Congress, the public and other stakeholders. They have every right to prompt, courteous and responsive answers. To be frank, however, some of the busy staff regard answering the mail as a distraction from other important duties.

Over the years, the agency has placed great emphasis on answering correspondence expeditiously. We have improved in this area, and based on a staff survey a few years ago, the timeliness of NRC's responses compares favorably with several other comparable government agencies. This is particularly true for correspondence tracked by the offices of the Secretary to the Commission (SECY) and of the Executive Director for Operations (EDO).

However, for a variety of reasons, roughly 25 percent of formal correspondence cannot be answered as quickly as the rest. This is an issue the CCC addressed to see what improvements were possible.

Additionally, the use of e-mails by NRC stakeholders to pose questions, request documents or state positions is rising rapidly. For example, while OPA received more than 400 such e-mails in 1996, the total more than tripled in 1997, to over 1300. Other offices throughout the NRC are also experiencing a significant increase, and the volume is bound to continue to mount. While many staff tend to think of e-mail requests as similar to informal phone inquiries, in fact, they have different standing. They are subject to being accessed under the Freedom of Information Act and could be said to represent official NRC positions, just as do formal letters.

The Committee has identified the following issues in order to further improve our efforts in this area:

Issue:

Some stakeholders have complained they have had to wait months for responses to their letters of inquiry.

Goal:

Ensure that all correspondence is handled in as timely a manner as possible. A greater effort is needed to handle the "outliers" -- correspondence where it is not possible to answer in the established time frames. In those cases, the NRC should contact the writer to explain that it will take some time to respond in detail, briefly explain why, and try to provide some idea of when a response can be expected.

Recommendations/Milestones:**IIIA1**

Ensure there is formal tracking for all correspondence, where necessary beyond what already exists for the offices of the Secretary and of the Executive Director. Some correspondence could be tracked at a management level of office director or below. (Spring 1998) **[COMPREHENSIVE PATH]**

IIIA2

Require that in the case of Commission correspondence on substantive issues, when a significant delay is deemed necessary, that the party who wrote the letter of inquiry should be informed by phone, mail or e-mail of a delay, given an explanation, and provided a best estimate on when to expect a response. Management Directive 3.57 "Principal Correspondence" should be amended to include this requirement, including a mechanism for requesting extensions when necessary. (3 months) **[COMPREHENSIVE PATH]**

Measure of Effectiveness:

Monitor and evaluate letters and calls of complaint. The number should decline.

Costs:

(Negligible)

Issue:

On the one hand, e-mails should be encouraged as they represent a simple, quick way for members of the public and other stakeholders to communicate with the NRC. But the agency lacks a comprehensive policy on how to deal with them. E-mails frequently don't identify the affiliation of the writer, provide a mailing address or phone number, or define the issue as crisply as in many formal letters.

Goal:

Create an agency-wide policy on how to deal with this budding form of communication.

Recommendations/Milestones:**IIIB1**

Establish a screening process to apply when e-mails first come in. If the request is simple and straightforward and the recipient can answer with factual, publicly available information, he or she should do so promptly. If it raises what amounts to an allegation, it should be channeled into the formal allegation process. If it requires a formal, agency response, it should be so treated. **[COMPREHENSIVE PATH]**

IIIB2

If an e-mail is treated as an allegation or tabbed for a written agency response, the recipient should so inform the sender. Also, a mailing address should be requested if one is not provided and, if necessary, a substantive clarification should be sought at that time. **[COMPREHENSIVE PATH]**

IIIB3

Inform other appropriate NRC offices of the communication -- for instance, OCA if the requester is a Congressional staffer, OPA if the questions come from a reporter. **[COMPREHENSIVE PATH]**

IIIB4

If an e-mail comes from a student wanting background information for a school paper, or from someone interested in general information, it could be forwarded to OPA for a response. **[COMPREHENSIVE PATH]**

IIIB5

Management Directive 3.57 should be revised to incorporate the Commission's policy decisions on the handling of e-mails. The new policy could be announced in a memorandum from the EDO to the staff. **[COMPREHENSIVE PATH]**

Effectiveness Measures:

Each office should periodically review its files to check on the substance and timeliness of responses and provide an annual report to SECY or the EDO.

Complaints should be monitored and evaluated, as in the case of responses to mailed inquiries.

Costs:

(0.1FTE to modify management directive and track e-mail responses)

PUBLIC ACCESS TO INFORMATION

From the inception of the agency, the practice at the NRC has been to provide the public with as much information as possible, on the premise that since protecting public health and safety is our primary mission, by providing full scrutiny of our activities public trust and confidence should be bolstered.

The principal agency guidance is provided in 10 CFR 2.790 which directs that information provided to or received from applicants and licensees, which does not fall within nine exempt categories, is to be made available for public inspection and copying. Further guidance is provided in Management Directive 3.4. In addition, the Atomic Energy Act, as amended, mandates that the NRC make available the results of its research, while the Freedom of Information Act makes clear that rules, policies and staff manuals are to be made public.

An overlapping array of means has emerged over the years for disseminating such information. The NRC uses direct mailing and separate faxing of press releases, speeches and other documents to lists of stakeholders; it places such documents in the main Public Document Room in Washington, D.C., and in 86 local Public Document Rooms in the vicinity of nuclear power plants and certain other facilities; a variety of NRC documents are sold by the Government Printing Office and by the National Technical Information Service; a wide array of documents are posted on the NRC website on the Internet; and a variety of information, including the schedule of public meetings, is provided on special electronic bulletin boards with dial-in access.

One result of this overlap is that some stakeholders get multiple access to NRC information. As use of the Internet continues to expand, and as access to computers in homes, schools, offices and public libraries proliferates, a larger number of stakeholders will have quick, easy access to NRC information. The NRC's commitment to move to an advanced electronic document management systems (ADAMS) in 1999 will further enhance the ready availability of agency documents.

Potentially significant cost savings may be achieved by eliminating duplication and determining what of the public document room operation continues to make sense after the advent of ADAMS.

At a time when we're reviewing how best to disseminate information, it makes sense also to review what is being disseminated, in light of changes brought on by deregulation. For example, both the Nuclear Energy Institute and the Union of Concerned Scientists--organizations that are not often on the same page--have criticized the daily plant status reports which include fluctuating power levels and projected restart dates and are placed on the NRC's Internet website. NEI complains such economic and production data is not safety-related and could make it more costly for nuclear power plants to buy replacement power on the spot market, raising prices both for licensees and consumers. UCS says detailed monthly rather than daily reviews should be sufficient to provide early warnings of potential problems. NRC rules do not require licensees to provide such information. In the era when electric rates were fixed by local public utility commissions, publication of such information did not impact on the cost of operations; however, in a deregulated environment when market forces determine the price of electricity, impact could be significant.

The NRC's concern, of course, is safe operations, not profitability of its licensees. But do we want to continue to request and publish information which in the new economic environment has the unintended effect of burdening licensee resources which otherwise would be available for maintaining safe plant and equipment?

Issue:

Given developments in information technology and the planned deployment of ADAMS, is it time to update the agency's strategy for providing information to the public?

Goal:

To clearly define an updated agency strategy for making information accessible to the

public. It should take into consideration the need for an easy way to locate desired information, coupled with the need for the NRC to provide timely access. Given the advances in information technology and the planned implementation of ADAMS, the update strategy should address the future need for and role of the main Public Document Room and of the 86 local public document rooms. The review, to be conducted by the CIO, should address to what extent duplicate mechanisms for making documents available continue to be justified. And, with the burgeoning use of Internet and with the projected capability of ADAMS to make NRC documents accessible in virtually every public library in the country, the value of the local PDRs should be reexamined. There is a significant potential cost saving here.

Recommendation/Milestone:

I VA1

Oct. 30, 1999: CIO should submit an updated strategy for the Commission to consider. **[ENHANCED PATH]**

Effectiveness Measures:

Perform periodic reviews to ensure that information is being made quickly and easily accessible in accordance with the policy established by the

Commission. Invite users of the NRC's website on the Internet to communicate whether desired information is being made readily available in a timely manner.

Costs:

(1.5 FTE to develop the updated strategy)

Issue:

Given the sea-change in the electric industry, with deregulation and restructuring, should the NRC reevaluate the continuing need for non-safety related information and what is included in preliminary notification reports and plant status reports?

Goal:

Have the EDO conduct a review to determine what is required in the way of safety-related licensee reporting and what developments at facilities the staff chooses to include in plant status reports, Preliminary Notification of Event or Unusual Occurrence reports and other such informational documents. At the same time, the review should consider whether information not now required and made public, ought to be.

Recommendation/Milestone:

IVB1

Review the information required of licensees by the program offices to determine what is required for safety oversight in plant status reports, PNOs and other reports. (6 months) **[FOUNDATION PATH]**

Effectiveness Measure:

Periodically appraise impact of revised informational reports to assure they continue to include everything needed to effectively regulate safety at licensed facilities.

Costs:

(0.4 FTE)

PUBLIC OUTREACH

The NRC recognizes the need to foster greater public confidence and trust in the way in which the agency conducts its business. The Chernobyl disaster in 1986, together with publicity over lesser events at US and other foreign nuclear facilities, have tended to undermine public confidence in nuclear technology generally. The NRC has been faulted for acts of omission and commission in a few high profile situations, as for example in the case of the Millstone power plants. Furthermore, we live in an age when reassuring statements from any government agency are viewed often with skepticism. Finally, some NRC licensees believe the agency either over-regulates or over- reacts to isolated events. In this atmosphere, the NRC has a responsibility to reach out to its various stakeholders to establish trust, address their concerns and allay their fears.

Although the NRC does not promote the use of nuclear power or materials, it is appropriate to pursue a more proactive program of encouraging a dialogue with all its stakeholders, and particularly with members of the general public. The responsibilities of the NRC, and the boundaries of its regulatory oversight, are not widely understood by the general public. Thus the agency ought to make a more determined effort to provide information to those who seek it. This responsibility includes developing an understanding of radiation, what it is and what it does, and the uses of NRC-regulated radiation, sufficient to promote public understanding of the responsibilities of the agency and how they are discharged. The NRC currently engages in some public outreach and education; outstanding examples are the teacher training workshops and the school volunteer program. Such efforts should be expanded.

Another area where the NRC has undertaken an extensive initiative to foster understanding and strong community relations is in incident response. Over the last seven years, the Office for Analysis and Evaluation of Operational Data (AEOD) has conducted a highly successful State Outreach program, bringing together states, licensees and other federal agencies in exercises and interactive dialogue on the incident response program. The objective is to promote the planning, procedures and working relationships that will be crucial in the event of a serious accident. AEOD's goal is to interact with each utility and each state having a nuclear power plant within its 10 mile emergency planning zone on a five year cycle.

In addition to existing initiatives, the Committee identified two issues where improvements could contribute to a better public understanding of the roles and responsibilities of the NRC. A discussion of each issue is provided below.

Issue:

There is a perceived fine line between promotion and education and their relationship to regulation. Some of the agency's technical staff are hesitant to provide information to or answer questions from the public, beyond the specific individual regulatory confines of their jobs, in order to avoid the appearance of engaging in promotion.

Goal:

Facilitate open dialogue between the agency and the public without creating the perception of promoting the use of nuclear power and nuclear materials.

Recommendations/Milestones:

VA1

Clearly delineate NRC's educational responsibility and limits through the development of standard presentations and informational publications maintained at NRC headquarters. (10 months to develop) **[COMPREHENSIVE PATH]**

VA2

Establish a central audiovisual library at NRC Headquarters to serve the entire agency, including the field offices, in implementing a more proactive outreach program. Develop and maintain standardized presentations and informational publications and other associated materials to include photographs, slides, view graphs, and diagrams of nuclear power plants, fuel facilities, major materials facilities, and material devices and uses. Presentation topics should include: what we do and do not regulate; licensing and enforcement; radiation basics; and response to emergencies. (12 months) **[ENHANCED PATH]**

VA3

Continue current efforts in the development of standardized publications and presentations. OPA has produced a number of informational brochures on general and specific uses of radiation and produced an updated informational video on the NRC. These efforts should be updated and expanded, and attempts should be made to make the public more aware of the availability of such material, perhaps by notices on the NRC website. (Ongoing) **[ENHANCED PATH]**

VA4

Expand the award-winning student corner of the website. (Ongoing) **[COMPREHENSIVE PATH]**

VA5

Establish a Speaker's Bureau to arrange presentations to local groups such as the League of Women Voters, PTAs, Rotary and Lions Clubs, etc. Use materials contained in the audio-visual library. (12 months) **[ENHANCED PATH]**

VA6

Provide early and substantial communications with the public, particularly local government officials and citizen groups, at "special interest" sites, such as fuel facilities, decommissioning sites, reactors and waste disposal sites. This ought to include increased involvement by NRC resident inspectors or program managers in developing contacts with and answering questions of local community leaders. (ongoing) **[ENHANCED PATH]**

VA7

Encourage use of audio-visual materials: during media briefings on events; in public announcements and meetings; under emergency situations; and during other appropriate briefings, training, and speaking opportunities. These presentations should be proactive and responsive to issues about which there is active or incipient public concern. One such example is the concern of the public over the transport of spent fuel, described by some critics as "mobile Chernobyls." The expectation is that public opposition will mount with increased transportation of spent fuel to an interim or permanent storage site. An informational transportation video, which provides a balanced, factual discussion of the precautions provided during transport, the high standards required of transport containers, and worldwide experience in the transport of radioactive material, would help address public questions and concerns. (Video projected and budgeted for FY 2000) **[ENHANCED PATH]**

Measures of Effectiveness:

Collect data on usage of prepared presentations from staff. Identify and provide recognition to offices and regions that have prepared effective new materials; evaluate office-wide and regional commitment to implementation of proactive public outreach programs.

Continue to analyze presentation data to determine whether information remains current; e.g., establish a review group to review new presentations and evaluate existing materials.

Monitor feedback from meetings both formally, as in meeting evaluation sheets, and informally, through post-meeting discussions with participants; review media coverage of NRC activities to determine whether NRC position has been clearly articulated.

Evaluate public responsiveness to availability of NRC's Speaker's Bureau.

Costs:

(Establishing audio-visual library, 0.02 FTE and \$15,000 for contractor support in scanning 2,000 images onto special computer discs and to develop and organize catalogue of presentation titles and descriptions for reference.) The catalogue would also be incorporated into the NRC's Internal Website.

Following initial set up, the library would be managed by the audiovisual staff, with help from OPA and the technical offices, in collecting and developing

material for agency-wide distribution and use. Costs for maintaining an audiovisual library, once established, should be minimal; copies of files would be provided to any NRC staff requesting them.

Estimated cost of initiating Speakers' Bureau: **0.2 FTE**. Transportation costs would be additional.

Estimate for producing a Transportation Video: **\$100,000** for development of a 20-30 minute video (already budgeted) and **0.03 FTE** for OPA for two years.

Issue:

Some NRC technical staff are hesitant to interact with the public due to unfamiliarity with agency issues and responsibilities outside the scope of their immediate responsibilities.

Goal:

Ensure technical staff is familiar with all aspects of agency operations.

Recommendation/Milestone:

VB1

Encourage initial and refresher training for NRC technical staff on "NRC: What It Is and What It Does." Also, encourage staff to read the NRC Annual Report and Information Digest. (Yellow Announcement to all staff -1 month) [**COMPREHENSIVE PATH**]

Measure of Effectiveness:

Review training data to determine levels of attendance at regularly scheduled "NRC: What It Is and What It Does" courses. Develop course evaluation to include question related to participants' confidence in discussing NRC responsibilities that are outside the participants' routine work-related activities.

Costs:

The existing "NRC: What It Is and What It Does" course is conducted in-house. To run the course a second time each would add **\$5,000** for contractor support.

SUMMARY

In its choice of issues to highlight and potential solutions to advance, the Committee spent considerable time deciding what to include and exclude in making its recommendations. It is the considered judgment of the Committee that the objectives stated by the Commission in the SRM of March 14, 1997, would be well served by adopting the entire plan.

But we recognize that in the current climate of shrinking resources, the Commission will want to make choices. Thus we have categorized each recommendation under one of three headings: Foundation Path for those actions believed in need of earliest implementation; Enhanced Path for those elements thought to be important but not as urgent; and Comprehensive Path to embrace the remainder of the proposals.

We further believe the Commission was absolutely correct in determining that improvements in the quality, clarity and credibility of the NRC's communications with the general public, that anticipating and addressing public concerns earlier, and that involving all our stakeholders as early as possible in the formulation of the NRC's evolving rules and practices together constitute an imperative of transcending importance if the NRC is to bolster public confidence that the agency truly regards its regulatory mission of protecting public health and safety as preeminent.

In addition, the Committee feels it similarly imperative that any disparity between stated policies and actual actions be confronted and, insofar as possible, eliminated.

With all respect, in closing, we would quote once again from the pertinent study by Ng and Hamby, cited earlier, to wit:

"To have a successful risk communication program, management support must be strong. Management...must be willing to commit resources; money and personnel, incentives and training. Management must be committed to the idea that informing and involving the public are legitimate activities. This commitment has to be communicated to all staff who may have the opportunity to interact with the public. Communicating with the public is part of everyone's job and not just the job of the spokesperson."

ENCLOSURE 1

DIRECTION SETTING ISSUE-14

- o STRATEGIC ASSESSMENT ISSUE PAPER
- o INTRODUCTION
 - I. SUMMARY
 - A. Direction-Setting Issue
 - B. Options
 - II. DESCRIPTION OF ISSUES
 - A. Legal and Regulatory Bases
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 - C. Other External and Internal Factors
 - 1. Legislative and Other Federal Initiatives
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 - III. DISCUSSIONS
 - A. Discussion of Direction-Setting Issue
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 - IV. OPTIONS
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 - A. Legal and Regulatory Bases
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DSI 14: PUBLIC COMMUNICATION INITIATIVES

INTRODUCTION

In August 1995, the Nuclear Regulatory Commission (NRC) staff initiated a Strategic Assessment and Rebaselining Project. This project was intended to take a new look at the NRC by conducting a reassessment of NRC activities in order to redefine the basic nature of the work of the agency and the means by which that work is accomplished, and to apply to these redefined activities a rigorous screening process to produce (or rebaseline) a new set of assumptions, goals, and strategies for the NRC. The results of this project are intended to provide an agency-wide Strategic Plan which can be developed and implemented to allow the NRC to meet the current and future challenges.

A key aspect of this project was the identification and classification of issues that affect the basic nature of NRC activities and the means by which this work is accomplished. These issues fall into three categories. The first category includes broad issues defined as Direction-Setting Issues (DSIs). DSIs are issues that affect NRC management philosophy and principles. The second category includes subsumed issues. Subsumed issues are those that should be considered along with the DSIs. The third category includes related issues. These are issues that should be considered after the Commission makes a decision on the option(s) for a DSI. Also, as part of the project, other issues of an operational nature were identified. These are not strategic issues and are appropriately resolved by the staff, and are not discussed in the issue papers.

Following the reassessment of NRC activities, issue papers were prepared to provide a discussion of DSIs and subsumed issues, and to obtain a review of these broad, high-level issues. These papers are intended to provide a brief discussion of the options as well as summaries of the consequences of the options related to the DSIs. Final decisions related to the DSIs will influence the related issues which are listed, but not discussed, in each issue paper. As part of the Strategic Assessment and Rebaselining Project, the issue papers are being provided to interested parties and to the public. Following distribution of the issue papers, a series of meetings are planned to provide a forum to discuss and receive comment on the issue papers. After receiving public comment on the issue papers, the Commission will make final decisions concerning the DSIs and options. These decisions will then be used to develop a Strategic Plan for the NRC. In summary, the Strategic Assessment and Rebaselining Project will analyze where the NRC is today, including internal and external factors, and outline a path to provide direction to move forward in a changing environment.

I. SUMMARY

A. DIRECTION-SETTING ISSUE

Recently, the NRC reviewed and published, after opportunity for public comment, its general policy on public responsiveness and the plans for improving public communication in offices having frequent interaction with the public. However, a broad look at overall approaches to achieving effective communication with the public could serve to increase the benefits of future public communication initiatives. Thus, in the area of public communication initiatives, the following DSI was identified:

What approach should NRC take to optimize its communication with the public?

Many factors, but two developments in particular, provide a background for evaluating of the existing overall approach and alternatives to that overall approach. First, NRC's interaction with the public is changing, and could change dramatically, as a result of advances in electronic media (such as use of

E-mail and World Wide Web pages over the Internet) as well as legislative and executive initiatives relating to management and dissemination of Government information and service to the public. Second, the NRC has experienced some notable successes in public outreach activities during the 1990s, but has also experienced instances of late or otherwise ineffective efforts to notify or involve the public. In response to such developments, the agency may be adding new mechanisms for public communication without an assessment against overall agency objectives or an analysis of whether the new mechanism should replace existing activities. This issue paper examines these and other major factors that are likely to influence, and the options in approach that may serve to optimize, the agency's undertakings in public communication in an era of rapidly evolving information technology and declining resources.

B. OPTIONS

Option 1: Continue Existing Approach

The agency's public communication activities (including information dissemination, public responsiveness, and public involvement) would continue with the existing goals and direction as set forth principally in the Principles of Good Regulation, the NRC Policy on Assuring Responsiveness to the Public, the NRC Policy on Public Access to Documents, and NRC planning documents. This approach affirms the existing, general goals and objectives in these documents, such as maximum dissemination of agency documentation to the public, timely and professional response to inquiries, and structuring of NRC activities to facilitate public participation. It involves adjustments or improvements on a largely case-by-case or office-by-office basis and in response to the identification of specific needs or challenges. It also includes consideration and implementation, as required, of the increasing Federal direction and guidance for information dissemination.

Option 1a: Focus on Maximizing Effectiveness and Economy

The NRC would maintain the same goals and emphases as under Option 1 but would direct a paramount focus on the management of public communication functions to make changes or improvements that achieve the best balance of the goals of maximizing the benefits and of minimizing the costs of the agency's investments in public communication. This balancing, along with the underlying analyses that are entailed, is a major objective of recent Federal initiatives, and selection of this option would place high priority on the implementation of these initiatives. At the level of the agency's overall objectives for public communication, it would suggest the need for greater focus on achieving efficient use of resources and ensuring the usefulness of NRC's programs to the public. At the outset, it could require coordinated planning for improvements or changes in public communication and an assessment of current activities. It could also require ongoing attention to the benefits and costs to the public and the agency of the proposed changes or improvements. Analyses would address the effectiveness and efficiency of alternatives (electronic information technology in particular) as well as opportunities for eliminating or adjusting existing forms of communication or levels of activity.

Option 2: Place a Priority on Early Identification of Public Concerns and Methods for Public Interaction

The Commission would direct paramount focus to early identification of public concerns and methods for effective interaction with the public in planning or conducting an agency action that is likely to generate substantial public interest or concern. An outcome could be the need for increased staff skills or personnel for anticipating major public concerns and pursuing methods of interaction with the public to understand and address those concerns.

Option 3: Place a Priority on Expanding General Public Outreach

The Commission would direct public communication activities toward more active efforts to ensure that the agency effectively explains to the most affected and interested segments of the general public the licensing and regulatory processes and the major aspects of the safety philosophy and bases for NRC's regulatory programs. A major outcome would be the need to increase resources for the development and delivery of informational products and presentations that are effective in increasing public knowledge on these subjects.

II. DESCRIPTION OF ISSUES

This section includes a description of the legal and regulatory basis for NRC's functions in public communication, an overview of related NRC policies and programs, and a discussion of other external and internal factors that may influence the choice of an approach to optimizing these functions.

A. LEGAL AND REGULATORY BASES

The agency's public communication functions, broadly understood as including informing the public, responding to the public, and involving the public, have a wide variety of bases and embrace a correspondingly broad set of activities. Communication with the public occurs throughout the agency, in some cases as a matter of law, in some cases as a matter of discretion, and generally with much flexibility regarding implementation of the law (e.g., in the choice of the dissemination media, the number and types of dissemination channels, and timing). The agency's discretion to engage in public communication beyond what is legally required is quite substantial. The agency is generally authorized to take such actions (e.g., holding public meetings) as it deems necessary or desirable in performing its mission. See, for example, Atomic Energy Act of 1954 (AEA), as amended, Section 161bc. Yet, public communication has many mandatory bases that are designed to make information available to the public and to prohibit restrictive practices. Most of these mandatory requirements relate to a specific type of activity such as conducting open meetings (and providing minutes or transcripts) of agency advisory committees or open meetings of the Commission subject to certain exceptions. On a broader basis, the Freedom of Information Act requires that the agency publish in the Federal Register its substantive rules and policies of general applicability, as well as its rules of procedure. The act also requires that the agency make certain other documents, such as adjudicatory decisions and staff manuals, available for inspection, and make other information available to the public upon specific request for that information unless it falls within certain exemptions from mandatory disclosure. The agency is authorized to charge a fee for such services in certain instances.

Of particular pertinence to the direction-setting issue is the increasing legislative direction and related guidance on information dissemination, information technology and information resources management. As explained in more detail in the appendix, the Paperwork Reduction Act (PRA) of 1995 establishes general requirements and policies in these areas, and Office of Management and Budget (OMB) Circular A-130 further implements these

provisions in guidance and direction for Federal agencies. These and related sources of legal requirements promote the use of information technology for achieving efficiency and effectiveness in disseminating information. As a general directive, agencies are to disseminate information in a manner that achieves the best balance between the goals of maximizing the usefulness of information and minimizing the cost to the government and the public. Agencies are also directed to disseminate information on timely and equitable terms and regularly solicit and consider public views on information dissemination activities.

A more detailed overview of these laws and other legal requirements, such as provision of hearings relating to certain licensing matters, is provided in the appendix.

B. PUBLIC COMMUNICATION AND RESPONSIVENESS POLICIES

As a matter of policy, the agency has gone beyond an objective of meeting minimal mandatory legislative and executive requirements and has been active in promoting general policies of openness and responsiveness. It has relied on dissemination of agency documents as a key function for communicating with the public and ensuring public confidence in the NRC, but has also undertaken other initiatives such as increasing the use of public workshops for rulemaking activities.

The agency's understanding of the important role of public communication in performing its mission is evident in such agency documents as the Principles of Good Regulation and the agency's policies on Assuring Responsiveness to the Public and on Public Access to Documents. These documents reflect a commitment to making as much information available to the public as possible relating to NRC's health and safety mission. They also reflect the view that good regulation includes solicitation of all available facts from interested members of the public and other involvement of the public in the regulatory process, as well as timely release of information and response to public inquiries. Pertinent provisions of these documents are discussed in detail in the appendix.

C. OTHER EXTERNAL AND INTERNAL FACTORS

1. Legislative and Other Federal Initiatives

As noted previously, legislative and executive branch directives are moving the agency toward greater use of electronic technology for operational efficiency and information dissemination and toward more strategic management of information resources. Further Federal guidance is unlikely to alter this direction. Indeed, further governmentwide direction is more likely to point toward further reduction of the maintenance and use of official paper records.

2. Technological Developments

Technological developments, in and of themselves, may also directly influence public communication strategies. They include technologies to disseminate information, including the Internet, compact disk/read-only memory, digital/virtual libraries, and groupware. The NRC currently has 25 electronic bulletin boards, an external World Wide Web home page, and several Internet list servers, although the agency is only beginning to explore the opportunities for optimizing public communication through use of such technology. Moreover, in the next several years an increase in availability of public access to NRC information through these channels is likely.

A highly significant impact of technology may result from the development of the new Agency Document Access and Management Systems (ADAMS), designed to replace NUDOCS. ADAMS has the potential to replace most of the agency's other text and document management systems. This could result in greater efficiency and speed in communication both internally and to the public. Currently, use of NUDOCS is rather cumbersome, particularly for members of the general public. Identifying the existence of pertinent documents or information through certain finding aids can be a complex task that is then followed by the need to find corresponding microfiches that contain documents appearing to be pertinent to the user's needs.

Resources associated with implementing and taking advantage of new technology frequently involve significant costs. Rapid technological changes may also create internal management issues such as quality control, coherence among information products, and appropriate timing for distribution internally and externally. However, use of electronic media should ultimately decrease the use and cost of paper and associated services (postage, printing costs, copy services) and perhaps the resources required for other public communication activities.

3. Public Involvement

Superfund legislation will likely involve some form of community resource boards that could indirectly influence or create a demand for use of similar groups by the NRC at sites to be decommissioned. Increased decommissioning of nuclear power plants may increase the demand for highly-skilled facilitation of meetings with and among affected parties. Commission decisions to initiate major rulemaking in areas of substantial public controversy or concern may also include proposals to enhance public involvement.

4. Public Confidence

Skepticism and mistrust continue to be an element of the media's and public's attention to NRC's programs. A lack of media and public knowledge about NRC's role, philosophy, and regulatory program exacerbates this problem. It must be acknowledged that some failures or lapses in the performance of licensees or lapses in NRC's oversight occur and inevitably require the attention of the NRC, the media, and other segments of the public. Public communication can address the public's understanding of the significance of such events and the adequacy of the NRC response.

Public trust may also flow from public acceptance of or agreement with the substance of the judgments that the agency makes in its licensing and regulatory activities. Although judgments on matters of substantial public concern are not likely to be universally accepted, documenting the agency's activities, involving the public, and explaining the agency's activities and processes are important means of achieving public trust in the agency's processes as well as its judgments.

As deregulation heightens competition, the population of regulated facilities ages, and the waste disposition policy remains unresolved, public attention to NRC regulatory matters will continue and may increase. Increased consideration by the agency of risk-informed, performance-based approaches to

regulation and reductions in licensee reporting and other requirements of marginal benefit to safety may also generate increased need for effective explanation of the bases and processes supporting NRC's approaches in these areas.

5. Diffuse Implementation and Management of Information Dissemination

The NRC currently does not have an integrated strategy for information management, of which dissemination is a facet. Information dissemination functions are spread among IRM, ADM, SECY, and other offices. This process has sometimes resulted in duplicative systems, facilities, and distribution channels for agency information and adoption of technologies on an ad hoc or reactive basis.

6. NRC Programs

A principal form of communication has been through the operation of the Headquarters public document room (PDR) and 87 local public document rooms (LPDRs) in the vicinity of nuclear power plants, fuel cycle facilities, contaminated sites, and the proposed Department of Energy high-level waste repository. The Office of the Secretary (SECY) manages the Headquarters PDR, and the Office of Administration (ADM) manages LPDRs. The NRC has released and is maintaining a collection of more than 2 million documents for viewing and copying in the Headquarters PDR. And it continues to add about 320 new documents to the collection each day. To optimize the use of this large collection for both onsite and offsite users, SECY has staffed the PDR with technically trained reference librarians and has designed and developed a computerized, online system with search software customized for the types of searches typically performed by members of the public.

The agency also makes information available through arrangements with several Federal information dissemination centers, and more recently began providing electronic access to several NRC information systems (including the agency's primary document management system--NUDOCS), electronic bulletin boards, and the agency's World Wide Web home page. ADM manages the NRC external home page, coordinates the Freedom of Information Act (FOIA) and Privacy Act programs, publishes NRC documents in the NUREG series, coordinates the dissemination of public meeting notices, and coordinates the publication of NRC Federal Register Notices and NRC regulations and the maintenance of several information locator publications such as the NRC Citizen's Guide. Among other things, the Office of Information Resources Management (IRM) manages NRC electronic bulletin boards, external access to NUDOCS, and the maintenance of several information locators. One of the electronic bulletin boards managed by IRM is utilized by SECY to display documents of specific interest to public FEDWORLD users. This PDR bulletin board has become one of the most accessed bulletin boards on FEDWORLD, second only to that of the Internal Revenue Service.

For general outreach activities, the Office of Public Affairs (OPA) plays a key role in fostering media and public understanding of NRC activities and decisionmaking. In Management Directive 5.5, Public Affairs Program, the Commission has assigned to the OPA the following two principal objectives:

To make available to the public through the news media and other channels of communication full and complete information on NRC activities to assist the public in making informed judgments regarding NRC activities.

To keep NRC management advised of public interest in proposed policies, programs, and projects so that public affairs actions may be planned, evaluated and executed.

Further, the directors of NRC offices and divisions are required to coordinate with the Director, OPA, on such matters as proposed public information issuances and news media inquiries for non-routine information. Associated activities are to include development of policies, programs, and procedures for communicating information about the agency's mission, policies, program, and activities to the media and the general public.

OPA personnel inform the media by issuing news releases, speeches, and fact sheets; distributing reports, decisions, and other documents; arranging for press conferences; having NRC officials respond to media questions after Commission meetings, staff meetings with licensees, plant visits, special inspections, and other significant meetings; and talking to the media in person or by telephone. OPA also makes available on request a video about NRC and supplies speakers, with a standard slide presentation, to interested groups, including area schools.

The Office of The General Counsel provides another form of public outreach service, the public liaison function, for use by the staff or the Commission, as requested on a case-by-case basis. This activity includes the design and implementation of consultative and consensus-building processes to increase the effectiveness of public involvement in Commission regulatory activities; convening and facilitation services for public involvement processes; and maintenance of a network of contacts with interests affected by the Commission's regulatory activities, including industry, citizen groups, and tribal, State and local governments.

The Office of Congressional Affairs (OCA) assists the Commission in meeting its statutory responsibility to keep Congress fully and currently informed and in preparing for public hearings. OCA also coordinates NRC's responses to Members of Congress to help Members respond to constituent requests for information about NRC's programs and responsibilities.

7. NRC Experiences

The Commission's efforts to implement a Below Regulatory Concern (BRC) policy, adopted in July 1990, have been serving as a historic point of reference for considering ways of optimizing public communication and responsiveness to the public. The BRC policy was an attempt to establish a broad framework to guide Commission licensing and regulatory decisions for exempting the use of small quantities of radioactive materials in the areas of decommissioning, waste disposal, recycling, and manufacture of consumer products. See SECY-95-301, "Analysis of the Costs and Benefits of the Enhanced Participatory Rulemaking Process" (December 20, 1995).

Although the NRC had solicited public comments and held a public meeting on the subject approximately 1 years before the BRC policy was adopted, its issuance created widespread public reaction and included the passage of State laws and local ordinances to prevent application of the policy and, eventually, Federal legislation invalidating the policy. The Commission found that groups supporting and opposing the policy were highly dissatisfied with the process that had led to its issuance.

It appears that the Commission used inadequate processes to obtain sufficient and comprehensive information on the need for such an overall policy, the

impacts in such areas as solid waste management, and the role of local governments in such decisions. Although the Commission endeavored to undertake a consensus process to reevaluate the policy, key potential participants preferred litigative and legislative options at that point. The principal lessons learned, as stated in SECY-95-301, p.3, were the following:

- provide an opportunity for public involvement at a time and in a manner that makes clear to all that they have the ability to influence the outcome;
- involve the full spectrum of affected interests;
- provide an opportunity for affected interests to exchange information with each other on their concerns and viewpoints;
- be objective and open-minded when considering the comments of affected interests; and
- document how these comments were considered in the decision-making process.

As a consequence of the experience with the BRC policy, the Commission initiated an enhanced participatory rulemaking to develop a proposed rule on the radiological criteria for the decommissioning of NRC-licensed sites. The process included seven regional workshops and a special workshop on a specific issue--site-specific advisory boards. It also included other features that are now a normal part of the rulemaking process: the use of advance scoping meetings for an environmental impact statement; provision of the staff's draft of the proposed rule to workshop participants and the public (in addition to the normal process of making the draft available to Agreement States); and the use of an electronic bulletin board for submitting and downloading comments on the proposed rule.

As explained more fully in SECY 95-301, one fundamental component of an enhanced participatory rulemaking process is early comment on the rulemaking issues, before the staff determines its approach to the rulemaking issues, to maximize the grasp of pertinent data, implementation problems, and major areas of agreement and disagreement. A second component is involvement of the full spectrum of interests affected by the rulemaking. A third component is facilitation of a discussion of the issues among representatives of the various interests for purposes of creative problemsolving and potential narrowing of the issues.

The enhanced participatory rulemaking for radiological criteria for decommissioning appears to have produced a number of benefits. These benefits include the following:

- strong support for the process from a cross-section of participants;
- an exchange of information and views among the participants about the process;
- development of contacts for ongoing communication with the various interests regarding the proposed action and other NRC actions;
- surfacing of several significant issues and ideas for further interaction with the NRC on rulemaking issues; and,
- a thorough review of potential issues by the NRC staff through the use of a focused discussion paper and workshop agenda on the principal regulatory issues.

Finally, it is hoped that the process will lower the likelihood of legislative and litigative challenges.

The incremental costs of the enhanced participatory process beyond those normally incurred in a complex rulemaking were not insubstantial. However, further planning and use of the process could lead to refinements to reduce cost.

In the materials area, the staff has undertaken a number of initiatives for involving the public in decommissioning discussions at some of the most controversial decommissioning sites. This approach has involved the gathering of community leaders, the licensee, the NRC, and other interested governmental agencies for a series of meetings near the site. The effort has been structured to include discussion on such issues as NRC's regulatory process, principles of radiation safety, as well as specific issues concerning the decommissioning of the facility. It is believed that these meetings enable the NRC to demonstrate its commitment and expertise to concerned citizens and begin to build relationships of trust and to engage the participants in a constructive dialogue about their concerns and questions.

8. Recent NRC Initiatives

For the rulemaking process, the Office of Nuclear Regulatory Research is already planning to build on the success of early and substantive public involvement in the decommissioning rulemaking by setting up an electronic bulletin board for all future rulemakings and routinely holding workshops for particularly complex or controversial rulemakings. The Commission also intends to explore more interactive concepts in the use of electronic media, such as RuleNet, to enhance public involvement in agency rulemakings. RuleNet is a pilot NRC program that allows the public to obtain information from NRC, offer views and comments, and interact with other participants over the Internet even before a proposed rule is drafted. The NRC's rulemaking process now requires preparation of a rulemaking plan that includes consideration of whether enhanced public participation should be used and describes any special measures or procedures to be used such as negotiated rulemaking.

Among its recent public responsiveness initiatives, the Commission has also revised its process under which members of the public may petition the NRC to take specific enforcement action regarding a licensed, operating facility. This type of petition is commonly called the 2.206 petition in reference to its

authorization under section 2.206 of the NRC's regulations.

The NRC reviewed the 2.206 process with the objective of making the process more effective, more easily understandable, and more credible. Among other things, the improved process does the following:

- offers the petitioner, under certain circumstances, the opportunity for an informal non-adjudicatory public hearing as part of the petition review process;
- provides copies of pertinent correspondence to participants in the petition;
- identifies a single NRC contact for each petition;
- informs the petitioner that the 2.206 process is a public process that does not protect the identity of the petitioner or the contents of the petition from the public, and ascertains whether the petitioner wishes to proceed or resubmit it as an allegation;
- establishes an electronic bulletin board to provide the public with monthly status updates on all pending petitions.

An on-going initiative concerns NRC enforcement conferences with a licensee, a vendor, or other person against whom enforcement action may be taken. These conferences are held before the NRC makes its final decision on a significant enforcement action. Under a pilot NRC program, the public is now invited to observe one of every four enforcement conferences. In addition, summaries of all enforcement conferences, NRC actions, and licensee responses are made available in the NRC's Public Document Rooms.

III. DISCUSSIONS

A. DISCUSSION OF DIRECTION-SETTING ISSUE

What approach should NRC take to optimize its communication with the public?

As noted previously, the Commission has determined that public communication plays a significant role in the effective performance of the agency's regulatory responsibilities. The NRC's Principles of Good Regulation recognize that good regulation requires that the agency seek facts and opinions openly and from diverse sources within the public. Further, open and candid transaction of the public's business, public participation in the regulatory processes, timely and easily understood statements of the agency's regulatory positions, and open channels of communication with the Commission's diverse classes of customers in the public help establish the conditions for good regulation. Efficient use of the public's resources is a fundamental obligation of the agency that requires attention to costs and benefits of approaches to public communication, and that obligation is a reason for the increasing Federal direction to consider means of disseminating information electronically. The discussion of options that follows addresses the ways in which approaches to public communication fulfill such goals and objectives.

B. DISCUSSION OF SUBSUMED ISSUE

What approach, if any, should the agency take to increase the basic knowledge of the public about NRC's safety philosophy and execution of its regulatory program?

This issue is subsumed in the general issue because its resolution requires evaluation of certain factors that inform resolution of the DSI, and decisions on the direction-setting options may largely determine resolution of the subsumed issue. For instance, the agency's public release of documentation of agency activities increases the availability of knowledge of NRC's programs and philosophy. However, a decision to direct paramount attention to the improvement of general outreach activities should lead to a considerable increase in the number of NRC's information products that are designed specifically to make such matters plainly understandable to the general public.

IV. OPTIONS

As a result of its review of this issue, the steering committee concluded that the high-level goals that the agency has outlined for its public communication activities need no major revision. The options that have been developed do not identify mutually exclusive paths to follow in designing and carrying out NRC's public communication activities in the future. Each of the strategic options identified is expected to include elements of dissemination, involvement, and general public outreach, but once an option is chosen, the staff would give priority to that approach when it updates or modifies a communication activity. The chosen option will provide direction for resolving tradeoffs in allocations of resources to public communication activities.

For example, if the Commission chose Option 2, then the staff would proactively consider ways to achieve early involvement and opportunities for interactive exchange with the public in each of the activities it undertakes (e.g., rulemakings, site decommissioning, reactor licensing, and enforcement activities). Such a strategy would not mean that, in all instances, the staff would engage in such interactive activities, but the planning and decisionmaking process for carrying out the activity would take into account, as an integral part of the process, opportunities for and the benefits and costs of such involvement.

Table 1 contains a summary of the general attributes of the options. Option 1a would result, at least in the short term, in a continuing emphasis on making documents available and responding to the public, but would require, unlike Option 1, a focus on additional attention and resources for more systematic and broad analysis of costs and benefits. Option 2 (anticipating and involving) and Option 3 (general public outreach) represent alternative emphases. Ultimately, the data and analyses developed under Option 1a could result in a different overall emphasis or a different emphasis in public communication for a particular agency function or an affected segment of the public.

Option 1: Continue Existing Approach

Option

The agency's public communication activities would continue with the existing goals and direction, as set forth principally in the Principles of Good Regulation, the NRC Policy on Assuring Responsiveness to the Public, and the NRC Policy on Public Access to Documents, and with the existing emphasis and approaches to improvements.

2. Background

This option affirms the existing general goals and the existing policies, such as maximum delivery to the public of documentation of the agency's activities, and points toward adjustments or improvements in response to the identification of specific needs or challenges. The principal characteristic of the current approach is high emphasis and reliance on disseminating documentation of NRC's activities and decisions and high attention and effort to responding to individual inquiries. Although the NRC identified certain recent and planned improvements in public communication in its Report on Responsiveness to the Public, the report does not identify an overall strategy for establishing priorities among planned improvements.

3. Impact

One outcome of this option is that the agency would continue to meet and frequently exceed the major legal requirements relating to public communication. Another outcome is that it would tend to maintain the current allocation of resources or programmatic functions relating to public communication within the agency. The full level of resources currently devoted to public communication activities is difficult to assess because of the variety of organizations and personnel in addition to the principal and obvious functions such as that of the Office of Public Affairs, that engage in public communication.

This option could involve gradual consideration and implementation of increasing Federal guidance on such functions as information technology and information management, including information dissemination. The existing approach does not provide a single point of responsibility for the coordination and management of information dissemination and public communication generally. Consequences of this include multiple forms of distribution of the same information. Although this sort of duplication of effort suggests potentially unnecessary inefficiencies, providing diverse sources of information also increases the opportunities for various segments of the public to obtain that information (for example, paper distribution meets the needs of those with limited access to electronic means of receiving information). NRC's effort to make publicly available as much documentation of agency activity as possible also serves to reduce the need to respond to individual inquiries and to process FOIA requests.

Continuation of the existing approach could result in selected active efforts toward public interaction on a case-by-case basis if the benefits were expected to be significant (workshops on significant rulemaking) or the costs of failure to seek such interactions were predicted to be high (public interactions near the site of a problem facility). It also would tend to maintain existing level of effort toward general public outreach, that is, development of materials and activities that directly endeavor to increase public understanding of the agency's regulatory processes and programs. As a consequence, the agency might not receive as many facts and options from diverse sources within the public, or as much public participation or understanding, as it might under a different option.

Option 1a. Focus on Maximizing Effectiveness and Economy

1. Option

The current goals and directives for public communication activities would be preserved but the agency would focus the management of public communication functions on making changes or improvements that achieve the best balancing of the goals of maximizing the benefits and minimizing the costs of the agency's investments in public communication.

2. Background/Bases

The requisite balancing, along with the underlying analysis that this option entails, is a major objective of recent Federal initiatives. Thus, selection of the option would establish high priority on the implementation of these initiatives.

3. Impacts

The present goals and objectives for public communication would not be altered except perhaps for increased integration of the values of cost-effectiveness and economy. These current goals and objectives would continue to serve as criteria for determining benefits that would accrue from new initiatives, and would lead to continued performance of public communication functions in excess of legal requirements.

An outcome could be enhanced coordination and management of changes or planned improvements for public communication. This option could require, at the outset of planning for such changes, consideration of the benefits and costs for the public and the agency, including the effectiveness and efficiency of major alternatives and opportunities for elimination or adjustment of the existing forms or levels of relevant activity. Alternatives could include non-agency sources of information and methods of distribution. Efficient and effective uses of electronic information technology could receive considerably heightened consideration. The ultimate result could be more efficient and effective use of resources for public communication activities.

However, this option could lead to an initial commitment of significant resources to the identification of the benefits and costs of the existing activities (considering the diverse forms and sources of public communication, including, for example, the kinds and costs of activities for communicating with the public by resident inspectors) and some ongoing commitment of resources to the analyses of such costs and benefits. A recent informational paper to the Commission, SECY-95-301, illustrates the type of analysis that would be performed and considered with more regularity and in conjunction with other pertinent analyses if this option were adopted.

Further, this option could lead to increased efforts to ascertain or measure the experiences and expectations of NRC's primary classes of customers through such activities as feedback mechanisms, in particular programs or public meetings. For example, the agency could obtain feedback on users of NRC's home page by category of user and utilize automated electronic distribution lists for different public interests.

If a high degree of immediate implementation were pursued, this option could require a substantial short-term investment of resources, via an agency task force or a contract for consulting services, or both, for identifying the various forms, costs, and benefits of existing methods of public communication. Optimal implementation could require personnel with skills for assessing the costs of existing activities, identifying related uses and costs of information technology, and designing and conducting methods of obtaining feedback on the benefits of alternative forms of communication or information dissemination. A consistent methodology and coordinated planning for implementing this approach could also serve to obtain the full benefits of such an approach. A lower-cost, longer course of implementation might involve a choice to examine the effectiveness and efficiency of activities that are clearly of high cost or to use largely existing resources for better assessment of proposed incremental changes or improvements.

Option 2: Priority to Early Identification of Public Concerns and Methods for Public Interaction

1. Option

This approach would increase staff responsibility and accountability for early identification of public concerns and methods and options for effective public interaction in planning or conducting agency action that is likely to generate substantial public interest or concern. Methods for public interaction include, for example, use of public liaison services, electronic means of interactive communication, public meetings, and alternative dispute resolution techniques and selected outreach efforts on the bases for the agency's program.

2. Background

The agency's historic experiences with the BRC policy and recent successes with public liaison activities in the materials area provide key background information. Among its recent initiatives, the agency is already requiring that a rulemaking plan include consideration of whether to use procedures for enhanced public participation. Currently, however, public liaison functions are performed primarily on an ad hoc, case-by-case basis.

3. Impacts

Selection of this option would require attention to early identification of public concerns and methods for public interaction in a variety of regulatory processes. This approach would serve the goals of obtaining information from diverse sources within the public, contributing to early and constructive progress toward identification and resolution of issues, and ensuring that the agency understands and responds well to public concerns. Ultimate consequences could include more successful resolution of issues without legal challenges or unforeseen impacts.

Outcomes could include the need for greater development of facilitation and communication skills for interacting with the public and in presenting complex materials to a nontechnical audience, as well as for dealing with conflict. On a programmatic basis, possible outcomes could be an expanded public liaison function or inclusion of designated public liaison personnel in program offices. At present, very limited resources are explicitly devoted to this approach as an ongoing function.

The resource implications of this option could vary substantially, depending on the precise organizational and programmatic choices for implementation that are selected. However, additional NRC public liaison personnel and increased use of enhanced participatory processes would have associated costs, as would training requirements.

The focus of technology use would be on both sending and receiving information and especially on ways to encourage interactive communication, for example, through increased use of interactive technology (as in RuleNet, videoconferences, and electronic meetings). Use of technology could mitigate some incremental costs such as travel for some activities.

Option 3: Place a Priority on Expanding General Public Outreach

1. Option

1. The Commission would direct public communication activities toward greater and more active efforts to ensure that the agency effectively informs the public about the agency's regulatory processes and major aspects of the agency's safety philosophy and regulatory program.

2. Background

Although a variety of agency activities contribute to general public outreach, OPA has a lead responsibility for general public outreach, primarily through the news media. OPA personnel inform the media by issuing news releases, speeches, and fact sheets; distributing reports and other documents reflecting NRC actions; arranging press conferences and responses to media questions; and talking to the media in person or by telephone. For example, the OPA staff in Headquarters and the regions handles an estimated 12,000 news media inquiries annually. Fact sheets and pamphlets on NRC activities are developed as resources permit through collaborative efforts with the NRC staff. OPA has a limited budget for contract support--approximately \$40,000.

Very recently, OPA also established an external home page. This page contains limited but such basic information as press releases, speeches, media briefing papers and fact sheets, systematic assessment of licensee performance reports, and the NRC's watch list.

3. Impacts

This option would place a priority on an expanded media program and general public outreach. It also would suggest the need for increased coordination with programmatic offices for developing and presenting information that would achieve the goal of an effective exposition of the major aspects of safety philosophy and bases for the regulatory program.

Resource implications of this option would vary substantially depending on the scope of the programmatic choices and the extent of reliance on the NRC staff. However, full implementation would appear to require a substantial increase in OPA personnel (OPA currently is budgeted for 14 full-time equivalent employees, including regional OPA staff) and in its level of contract support funding.

Devotion of such resources could lead to the development and distribution of more pamphlets, exhibits, and videos on selected topics, such as NRC's role in regard to nuclear waste, radiation, decommissioning of nuclear facilities, and licensed uses of radioisotopes. For example, an existing informational product of this nature, a video about the testing of a spent fuel transportation cask for safety, could be actively offered or presented to segments of the public that might develop concerns because of a proposed transportation route involving that kind of cask. However, production of a single video would likely cost more than the existing annual contract support budget. However, these types of activities, while constituting a potentially substantial short-term investment, could be performed largely by contract.

This option could also lead to substantial use of a speakers' bureau for personal presentations in appropriate forums such as public conferences and meetings and schools and universities. This and other interactive means of general public outreach such as media and public training and additional visibility of the NRC at meetings, symposia, forums and conferences would require increased staff time and represent a longer term investment.

The focus of technology use would be on providing clear and effective communication about NRC processes and decisions and public opportunities to participate in the regulatory process. Examples would be tutorials on risk- informed, performance-based regulation; explanations of the bases for recent regulatory decisions on the World Wide Web; and an E-mail address for getting quick answers to questions on NRC's regulatory processes. In addition, resources could be devoted to making more key documents of public interest available on an external home page.

Implementation of this option could require great attention to avoidance of an appearance of a promotional role, oversimplification of contentious issues, or expenditures insufficiently related to performance of the agency's mission. On the other hand, effective implementation could serve to increase public understanding of what the NRC does, build confidence in NRC processes and judgments, and expand awareness of opportunities for participating in NRC processes.

V. RELATED ISSUE

After the Commission has made decisions concerning the Direction-Setting Issue discussed above, additional issue(s) such as those related to implementation details will be addressed as the Strategic Plan is implemented. The related issues are listed in this section to provide a more complete understanding of the higher level Direction-Setting Issue.

Considering the many new channels for disseminating information electronically, what are the appropriate levels for all forms of information dissemination (including traditional outreach and paper- based methods, as well as the newer electronic methods) in order to strike a balance between the goals of maximizing the usefulness of the information to the public and minimizing the cost to the Government and the public?

This issue is related to, but not subsumed by, the issue that is the subject of this issue paper. It requires evaluation, planning, and decisionmaking at a more operational level.

VI. COMMISSION'S PRELIMINARY VIEWS

Staff actions regarding the various options should be held in abeyance pending the Commission's final decision on this issue paper. The Commission's preliminary views are:

The NRC should place a priority on early identification of public concerns and methods for public interaction in making regulatory decisions that are likely to generate substantial public interest or concern (Option 2). This approach is consistent with NRC's Principles of Good Regulation. The NRC should interpret the term "public" in its broadest sense, understand who our various publics are, and focus on what they need in order to facilitate interaction and dissemination of information. For this purpose, the public includes private citizens, interest groups, licensees, states, media, congress, the executive branch, and the international community. Recognition should be given to both bilateral formal and informal communication, and particular attention should be given to review and improvement of formal communication. The appropriate role of technology as a facilitating/enabling device should be carefully examined within this context (e.g. particular care should be given to considering the forms of information dissemination such that the NRC does not eliminate paper in favor of electronic communication without full consideration of the public's ability to access information electronically). Although there should be centralized planning and coordination of a methodology for anticipating and involving the public in regulatory matters and decisionmaking, responsibility for implementing the methodology should reside with the program offices. The roles of the line organization and the Office of Public Affairs in facilitating public responsiveness should be clearly understood.

In addition, the NRC should focus on maximizing effectiveness and economy in its existing program for public communication (Option 1a), and in anticipating and involving the public (Option 2). As initial steps, the NRC should develop a consistent methodology, and coordinated planning for implementation of this approach, focus on examining the effectiveness and efficiency of activities that are of highest cost, and perform better assessments of proposed improvements to the existing approach. The NRC will consider the effectiveness and efficiency of certain formal forms of communication such as Freedom of Information Act requests in a manner consistent with the law. The Commission would envision establishment of a coordinating group and development of a plan to implement this philosophy.

APPENDIX

This appendix contains a more detailed discussion of the legal and regulatory bases for the NRC's functions in public communication and of the NRC's current policies than is presented in the strategic issue paper on public communication initiatives. Thus, it is an important supplement to the paper for such matters as details of the increasing Federal guidance on information dissemination.

A. LEGAL AND REGULATORY BASES

General Disclosure and Openness Requirements: Principal statutory bases for general disclosure and openness requirements include the FOIA, PRA, the Government in the Sunshine Act, the Administrative Procedure Act and the Federal Advisory Committee Act. For example, FOIA requires that each agency publish certain items of information in the Federal Register, including substantive rules and statements of general policy; make available certain other information for inspection and copying (adjudicative orders and opinions, statements of policy and interpretations not published in the Federal Register, and administrative staff manuals and instructions to the staff that affect members of the public); and make available other agency information to members of the public upon specific request unless the information falls within certain exemptions from mandatory disclosure. As a further illustration, the Administrative Procedure Act requires that the agency publish proposed rules for public comment and explain the basis for rules that it adopts.

Hearings: The Commission's statutory licensing scheme includes the requirement that the Commission grant a hearing at the request of any person whose interest may be affected by a proceeding for issuing, suspending, revoking, or amending any license or power plant construction permit, and must admit such a person as a party to the proceeding. In some cases, NRC procedures provide for full trial-type adjudicatory hearings and, in certain other cases, provide for a more informal process largely involving written submissions.

In addition, the Administrative Procedure Act sets forth adjudicatory procedures that include requirements, in some cases, for providing an opportunity for submission of facts and arguments by interested parties and creation of a record of the decisionmaking. That statute also gives an interested person the right to petition the agency for issuance, amendment, or repeal of a rule.

Public Affairs: The prime role of the Chairman, including his or her supervision of the Office of Public Affairs, is explained in Reorganization Plan No. 1 of 1980. That plan states that the Chairman "shall be the official spokesman for the Commission, and shall appoint, supervise, and remove, without further action by the Commission, the Directors and staff of the Office of Public Affairs and the Office of Congressional Relations."

Congressional Affairs: NRC's Office of Congressional Affairs assists the Commission in fulfilling a special statutory responsibility for public communication, that is, interaction with Congress. Aside from various statutory requirements for reporting particular events and activities to Congress, the Energy Reorganization Act of 1974 directs that the Commission keep the committees of the Senate and House of Representatives that have jurisdiction over the functions of the Commission fully and currently informed about the Commission's activities.

Recent Information Dissemination Laws and Directives: Congress has also been providing increasing direction regarding information resources management in the Federal agencies, including information dissemination activities. The principal item of legislation is the Paperwork Reduction Act of 1995. The Paperwork Reduction Act directs the agency to manage information resources to increase program efficiency and effectiveness and to improve the integrity, quality, and utility of information to all users within and outside the agency. With respect to information dissemination specifically, the act requires that each agency--

- (1) ensure that the public has timely and equitable access to the agency's public information, including ensuring access through --
 - (A) encouraging a diversity of public and private sources for information based on government information;
 - (B) in cases in which the agency provides public information maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and
 - (C) agency dissemination of public information in an efficient, effective, and economical manner;
- (2) regularly solicit and consider public input on the agency's information dissemination activities;
- (3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products.

The Paperwork Reduction Act also proscribes certain actions that would restrict the distribution of information to the public or interfere with the timely and equitable availability of the information.

The act establishes a number of policies regarding information technology. It requires that agencies "promote the use of information technology to improve the production, the productivity, efficiency, and effectiveness of agency programs, including dissemination of public information."

More recently, the Information Technology Management Reform Act of 1996 (ITMRA) has addressed the need for agency goals and performance measures specifically pertaining to, among other things, delivery of services to the public through the effective use of information technology. Under ITMRA, the NRC must appoint a chief information officer (CIO) who reports to the agency head and whose primary responsibility is information resources management.

In Office of Management and Budget (OMB) Circular A-130, "Management of Federal Information Resources," OMB implements statutory responsibilities regarding guidance to agencies under the Paperwork Reduction Act and related statutes. For purposes of determining whether and how to disseminate information to the public, the circular (Section 8a(5)(d)) states specifically that agencies shall--

- (i) Disseminate information in a manner that achieves the best balance between the goals of maximizing the usefulness of the information and minimizing the cost to the government and the public;
- (ii) Disseminate information dissemination products on equitable and timely terms;
- (iii) Take advantage of all dissemination channels, Federal and nonfederal, including State and local governments, libraries and private sector entities;
- (iv) Help the public locate government information maintained by or for the agency.

The circular further requires implementation of an information dissemination management system that must ensure that information dissemination products are necessary for proper performance of agency functions; consider whether products from other sources are equivalent to an agency

dissemination product and reasonably fulfill the agency's responsibility; ensure that members of the public with disabilities whom the agency has a responsibility to inform have a reasonable ability to access the information dissemination products; and establish and maintain communications with the members of the public and with State and local governments so that the agency creates information dissemination products that meet their respective needs.

Circular A-130 (Section 8a(8)(d)) also directs agencies to use electronic media and formats, including public networks, as appropriate and within budgetary constraints, in order to make government information more easily accessible and useful to the public. It also includes the following provisions: electronic media and formats are appropriate when the agency maintains the information electronically; electronic media or formats are practical and cost-effective ways to provide public access to large, highly detailed volumes of information; the agency disseminates the product frequently; the agency knows a substantial portion of users have ready access to the necessary information technology and training to use electronic information dissemination products; and a change to electronic dissemination, as the sole means of dissemination, will not impose substantial acquisition or training costs on users.

B. PUBLIC COMMUNICATION AND RESPONSIVENESS POLICIES

NRC's Principles of Good Regulation include pertinent principles that have specific relevance to public communication. These include the following elaborations on the principles. Good regulation must be:

INDEPENDENT: All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests must be considered....

OPEN: Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as the international nuclear community.

EFFICIENT: The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities....

CLEAR: Regulations should be coherent, logical, and practical. There should be a clear nexus between regulations, agency goals and objectives whether explicitly or implicitly implied. Agency positions should be readily understood and easily applied.

Responding to the National Performance Review's emphasis on "placing the customer first," in 1994 the Executive Director for Operations launched a Public Responsiveness Initiative that sought plans for improvement of public communication from NRC offices having frequent interaction with the public. A draft report was issued for public comment in March 1995, and several dozen comments were received. In the Final Report on Responsiveness to the Public, published in January 1996 (NUREG/BR-0199), the agency describes recent and planned improvements for serving the public in mission-related and administrative areas.

One component of the recently issued final report is the NRC Policy on Assuring Responsiveness to the Public. It declares the following:

It is the policy of the NRC to be responsive to the public. The public includes individual citizens, public interest groups, petitioners, licensees, industry groups, contractors, the Congress, and all with whom we do business. Responsiveness entails

- structuring NRC business activities to facilitate and encourage public participation,
- making NRC documents readily available to the public through public document rooms and electronic media,
- responding in a timely manner to business requests and public inquiries,
- understanding and respecting the impact that NRC activities can have on those with whom we do business.

The report also includes the NRC Policy on Public Access to Documents, which states the following:

The policy of the NRC is to make as much information as possible available to the public relating to NRC's health and safety mission, in accordance with its legal responsibility to protect some types of information.

Management Directive 3.4, "Release of Information to the Public," and Handbook 3.4 discuss public availability of information in the possession of the NRC, and the handbook contains an extensive table of NRC documents that the agency routinely releases to the public.

Table 1. Summary of Options

Attributes	Option 1 Respond and Make Agency Documents Available	Option 1a Same as Option 1, with a Balance Between Costs and Benefits	Option 2 Anticipate and Involve	Option 3 General Public Outreach
Approach	Make available as much agency documentation as possible and respond well to public inquiries	Respond to requests and reduce their number by making available the documentation and information that the public finds useful	Identify and address public concerns in a manner that helps NRC progress toward informed decisions that are accepted by the public	Increase efforts to develop and present informational products and presentations that inform the general public and the media about the regulatory process and bases for NRC decisions

Communication mode	Primarily noninteractive	Primarily noninteractive	Interactive	Both interactive and noninteractive
Primary communication methods	Letter responses Publications (paper or electronic) Documents in public reading rooms Electronic access to documents	Similar to those of Option 1, with increased focus on using technology as an enabler to achieve efficiencies.	Facilitated meetings Electronic conferences Videoconferences	Diverse methods, such as tutorial publications and brochures, explanations of basic regulatory processes and decisions on the NRC home page, media training, public outreach activities
Content	Requested information and information that is a byproduct of agency regulatory processes	Similar to that for Option 1, except focus is on providing the information that the public finds useful	Information that helps participants understand each other's views and helps the NRC progress toward informed decisions	Information that helps the public understand the regulatory process and NRC decisions
Type of function	Staff response and information management	Staff response and information management	Facilitation, ombudsman	Public affairs
Planning and management	Decentralized planning and management	Creation of focal point for planning, possible consolidation of functions	Centralized planning and coordination or decentralized in program offices	Continued centralized planning and coordination by Office of Public Affairs
Performance measures	Timeliness and quality of responses, percentage of releasable documents made available, number of FOIA requests	Timeliness and quality of responses based on feedback, percentage of releasable documents that the public finds useful made available, number of FOIA requests, cost of the public communication program	Amount of participation, amount of litigation	Improved level of public understanding of the regulatory process and bases for NRC decisions, measured through surveys or other methods

ACRONYMS

ADM	Office of Administration
AEA	Atomic Energy Act
BRC	Below Regulatory Concern
CIO	chief information officer
FOIA	Freedom of Information Act
IRM	Office of Information Resources Management
ITMRA	Information Technology Management Reform Act
LPDR	local public document room
OCA	Office of Congressional Affairs
OMB	Office of Management and Budget
OPA	Office of Public Affairs
PDR	Public Document Room
PRA	Paperwork Reduction Act
SECY	Office of the Secretary

ENCLOSURE 3

CROSS SECTION OF STAKEHOLDERS: FOCUS GROUP

December 11, 1997

Don Beck, The Gallup Organization
Paul M. Blanch, Northeast Utilities consultant
Pat Bryant, Nuclear Energy Institute
Paul Choiniere, New London (Conn.) Day

Scott Denman, Safe Energy Communications Council
Ralph DeSantis, GPU Nuclear Corporation
Dan Greenberg, science writer
Paul Gunter, Nuclear Information and Resource Service
David A. Lochbaum, Union of Concerned Scientists
Judith Johnsrud, Environmental Coalition on Nuclear Power
Pamela Newman-Barnett, Energy Daily
David Nichols, Society of Nuclear Medicine
James Norvelle, Virginia Electric & Power Company
Jim Riccio, Critical Mass Energy Project, Public Citizen
David Stellfox, McGraw-Hill Publications
Terry Strong, Washington State Department of Health