



Public Participation in NRC Regulatory Decision-Making

January 31, 2013

Overview and Introduction

Bill Borchardt
Executive Director for Operations
January 31, 2013

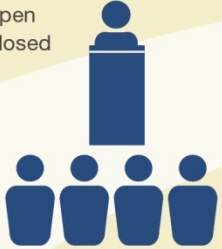
Agenda

- Overview - Bill Borchardt
- Commission policy on public participation in NRC staff meetings - Darren Ash
- 10 CFR 2.206 petitions for enforcement action - Darren Ash
- Petition for rulemaking process - Darren Ash
- Regional public outreach - David Lew
- NRC Interactions with States and Tribes - Darren Ash
- Adjudicatory processes - Bradley Jones

Public Participation and Interaction

Public Meetings

Open
Closed



General Inquiries

Phone
Mail
Email
In person



Information Meetings

Scoping
Preliminary
Counterpart
Information
Exchanges



Education and Business Outreach

Minorities groups
Small Business
Vendors/Contracts
Recruitment



Media Outreach

Press Conferences
Press Releases
Editorial Boards
Interviews



Public Comments

Regulations.gov
Mail
Email
Fax
Verbally at
public meetings



Resident Inspectors in the community



2.206 Petition

electronic or hard copy



Website

www.nrc.gov



Adjudicatory Hearings



Advisory Committee Meetings



Public Document Room

Phone
Email
In person



Conferences

International
Trade
Industry



Emergency Preparedness

Federal
State
Local



Social Media

Blog
YouTube
Twitter
Flickr
RSS



Visitors to the Agency



Open Houses



Congressional Hearings



Allegations



Petitions for Rulemaking



Federal Register Notices



Commission policy on public participation in NRC staff meetings, 10 CFR 2.206 petitions for enforcement action, and Petition for rulemaking process

Darren Ash

Deputy Executive Director for
Corporate Management
January 31, 2013

Public Participation in NRC Staff Meetings

- NRC staff responds to direct and Public Meeting Feedback Form input
- Feedback is analyzed and shared
- Webstreaming, teleconferencing, and other tools are effective ways to increase participation in our meetings

10 CFR 2.206 Petitions

- Anyone may request that the NRC take enforcement-related action against an NRC licensee or certificate holder
- There are numerous opportunities for the petitioner to participate in the process and NRC makes documents publicly available
- NRC takes substantive action on a petition nearly 40% of the time
- NRC is revising the 2.206 Management Directive

Petition for Rulemaking Process

- Anyone may petition the NRC to develop, change, or rescind one of its regulations
- NRC invites public comment for a 75-day comment period
- Draft proposed rule would streamline the NRC's petition for rulemaking process ([SECY-12-0160](#); November 30, 2012)

Region I Public Outreach

David Lew

Deputy Regional Administrator, Region I

January 31, 2013

Region I Public Outreach

- Outreach and engagement is a priority
- Public engagement in Region I activities
 - Public meetings at sites at least annually
 - Frequent engagement with public by staff including resident inspectors
- Technology helps us stay connected with the public

NRC Interactions with States and Tribes

Darren Ash

Deputy Executive Director for
Corporate Management

January 31, 2013

Interactions with States and Tribes

- NRC works with all States and Native American Tribal governments
- All States work with NRC on policy and liaison efforts; Agreement States are our partners in reporting events, and developing rules
- NRC is seeking comments on draft agency procedures for consulting with Native American Tribes

NRC Adjudicatory Processes

Bradley Jones

Assistant General Counsel for
Reactor and Materials Rulemaking

NRC Adjudicatory Processes

- Introduction
- Standing Requirements
- Contention Standards
- Timing of Hearing Opportunities
- Interlocutory Reviews

Standing Requirements

- Judicial Concepts of Standing
- Persons living or frequenting areas within 50 miles of a reactor

Contention Standards

10 CFR 2.309(f) essentially provides that each contention must include:

a specific statement of the issue of law or fact to be raised or controverted

- a brief explanation of the basis for the contention
- a demonstration that the issue raised is within the scope of the proceeding
- a demonstration that the issue raised is material to the findings the NRC must make in the action
- **alleged facts or expert opinions that support the contention with references**
- a showing that a genuine dispute exists by referencing portions of the application that are disputed

Timing of Hearing Opportunities

- Notice Of Opportunity To Request A Hearing Is Published After Application Is Accepted
- Typically Application Available For Some Time Before Notice Is Published

Interlocutory Reviews

(Appeals to Commission before the end of the hearing process)

- Current Process Focuses On Whether There Will Be A Hearing
- Alternatives Could Allow Consideration Of Hearing Content (Admissibility of Individual Contentions)