

January 27, 2010

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter responds to your October 6, 2009, letter regarding the openness of U.S. Nuclear Regulatory Commission (NRC) decision-making processes. Ranked two times in a row as The Best Place to Work in Government by the Partnership for Public Service and the Institute for the Study of Public Policy Implementation, the NRC prides itself on being an open, collaborative, and transparent agency. Accordingly, the NRC not only adheres to, but often exceeds, the legal requirements relating to Federal agency transparency.

For instance, the NRC goes well beyond the requirements of the Freedom of Information Act by voluntarily placing most agency documents on its public Agencywide Documents Access and Management System (ADAMS) database, which is accessible from the NRC's public website. The NRC also goes beyond the requirements of the Government in the Sunshine Act with respect to public Commission meetings involving discussions of documents by making the documents publicly available prior to the meeting. In recognition of the NRC's commitment to public participation and outreach, the White House is currently highlighting an NRC initiative on Web conferencing with a video on its Open Government Initiative Web page.

Regarding the Commission's deliberations, Commissioners have different views as to the most effective voting process. My views are explained in more detail in a separate letter, which is attached. The views of my fellow Commissioners may be provided separately.

Sincerely,

/RA/

Gregory B. Jaczko

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The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
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United States House of Representatives
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Dear Mr. Chairman:

Below please find my additional views in response to your October 6, 2009, letter regarding the openness of U.S. Nuclear Regulatory Commission (NRC) decision-making processes.

Throughout its history, the NRC has prided itself on being an open and transparent agency. I am committed to ensuring that the Commission fulfills its safety mission in a manner that is consistent with the spirit of the Administration's Open Government Initiative and the NRC's historic organizational values. To ensure that the Commission conducts its work with the utmost openness and transparency, I agree that the Commission should conduct more of its business through public meetings where Commissioners deliberate and vote on matters under consideration.

The Commission's notation voting procedures obscure far too much of the deliberative process from public view. Under these procedures, Commissioners exchange written initial positions with detailed comments on an issue. The Commission staff then circulates draft memorandums that try to capture the majority position buried in these detailed comments. Each Commission office then votes on each version offering proposed edits, with the process repeating until a majority finally supports a particular version of the memo. This staff-driven process limits the personal involvement of the Commissioners, takes weeks if not months to complete outside of the public view, and produces a complex written record of which only the Commissioner's initial positions are made publicly available.

Public meetings would offer several advantages over this written process. First, and most importantly, public meetings would foster greater public understanding of the Commission's internal workings and encourage public participation in the decision-making process. Allowing the public to observe the Commission's decision-making process empowers it to hold the Commission accountable. The public would not only be able to see for themselves how the Commission deliberates and decides issues, but also benefit from a more complete written record than the current notation voting process affords them. That record could consist of the Commissioners' prepared statements as well as a transcript of the discussion among

Commissioners during the meeting. By making the Commission's voting process more open

and transparent and easier to reconstruct in retrospect, I am confident that public meetings will highlight the strengths of the agency—the hard work and expertise of the staff and the diligence of the Commission.

Second, public meetings would streamline decision making by eliminating the unnecessary and repetitive steps that bog down the notation voting process. Third, public meetings would facilitate more effective collaboration among Commissioners. There is no better way for Commissioners to identify areas of confusion or disagreement and to resolve those issues than through a free flow of discussion in face-to-face meetings.

For these very reasons, the Commission in its early years held public meetings to deliberate and vote on many significant or controversial issues. Although the Commission drifted away from this practice over the years, I see no reason why the Commission should not return to its original practice. I hope that my fellow Commissioners will support my efforts to call public meetings and to designate those issues that will be considered and voted on during these meetings.

I am confident that the Commission can effectively use public meetings for discussion and voting on appropriate policy initiatives and conduct those meetings with as much transparency as possible. Thank you for sharing your thoughts on these important matters.

Sincerely,

/RA/

Gregory B. Jaczko