

Public Involvement in the Nuclear Regulatory Process





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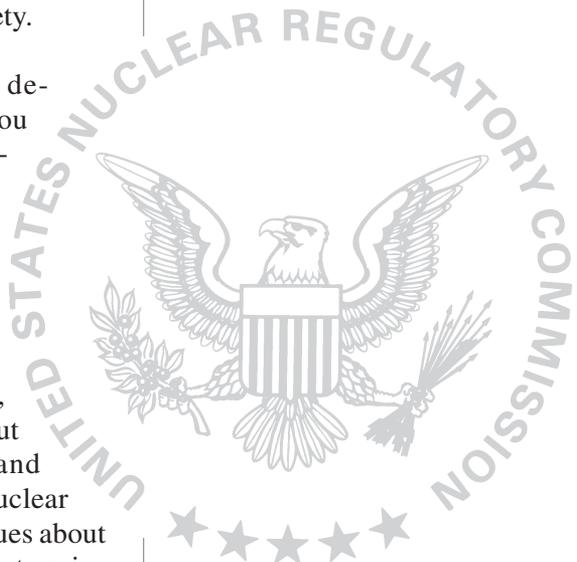
Introduction

Public involvement in the Nuclear Regulatory Commission's activities is a cornerstone of strong, fair regulation of the nuclear industry. The NRC recognizes the public's interest in the proper regulation of nuclear activities and provides opportunities for citizens to make their opinions known. The NRC seeks to elicit public involvement early in the regulatory process so that safety concerns that may affect a community can be resolved in a timely and practical manner. This process is considered vital to assuring the public that the NRC is making sound, balanced decisions about nuclear safety.

This booklet briefly describes various ways you can learn about and participate in the NRC's regulatory process. Anyone may provide comments or voice concerns at critical junctures in the development of safety rules, including decisions about (1) where to locate and whether to license a nuclear facility, (2) ongoing issues about a facility's operation or termina-

tion, and (3) a facility's impact on the environment.

Notices of opportunities for involvement are published in the *Federal Register*, and sometimes on the Internet. The *Federal Register* is a daily publication announcing rules, policies, and other important actions of the Federal Government. Copies are available at many local libraries, at the NRC's Public Document Room (PDR) in Rockville, Maryland, and on the internet. For major actions, the NRC issues press releases, which reach the public through local newspaper articles, mailings, and the Internet.



Rulemakings

One of the primary duties of the NRC is to establish regulations on the safe use of nuclear materials. These regulations address such issues as siting, design, construction, operation, and ultimate shutdown of nuclear power plants, uranium mills, fuel facilities, waste repositories, and transportation systems. NRC regulations also address other uses of nuclear materials, such as nuclear medicine programs at hospitals, academic activities, research work, industrial applications such as the use of gauges and testing equipment, and the import and export of nuclear materials and technologies. The process of developing these regulations is called “rulemaking.” A regulation is sometimes referred to as a “rule.”

Rulemaking is initiated mostly by NRC’s technical staff, although any member of the public may petition the NRC to develop, change, or rescind any regulation. Petitions should be addressed to:

The Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C., 20555-0001.

The rulemaking process is described in detail in the Commission’s regulations in Title 10 of the *Code of Federal Regulations* in Part H, Section 2.802.

All rulemakings provide the public with at least one opportunity for comments. Often, there are several opportunities. In some cases, NRC holds meetings and workshops before a proposed rule is drafted. This way, members of the public can express their concerns early in the process and identify important issues to be covered in the rule. Sometimes, the NRC may publish an Advance Notice of Proposed Rulemaking in the *Federal Register* to obtain public comments and provide clarification of certain issues before developing a proposed rule.

When a proposed rule is developed, it is published in the *Federal Register* for public comment. The notice identifies an NRC contact who can reply to questions and provides an address for sending comments. The agency may hold meetings and workshops to discuss the proposed rule, explain its purpose and background, and receive further comments. These meetings are normally announced

in the *Federal Register*. Comments are factored into the final rule, which, like the proposed rule, is again published in the *Federal Register*. The NRC issues press releases for rules that have strong public interest. In addition, an electronic bulletin board is available which provides the status of all rulemakings in progress. This interactive Ruleworking Forum is located at <http://ruleforum.llnl.gov> on the Internet.

Policy statements, Commission guidance, and generic communications with licensees that have significant public interest are often handled like a rulemaking, offering an opportunity for public comment.



Licensing

Before a company can propose to site, construct, or operate a nuclear power plant or any other nuclear-related facility or to engage in the use of radioactive materials, it must apply to NRC for a license. The licensing process includes approval of the initial license, amendments, license renewals, and applications for exemptions from NRC regulations.

As part of the prelicensing process, the public is notified through the *Federal Register*, press releases, and local advertisements that an application has been received. Notices regarding opportunities for hearings or public comment on all licensing actions, including amendments to a facility's operating license, or license renewal proceedings, are published in the *Federal Register*. For nuclear power plants, individuals who are directly affected by the proceeding may participate in a formal hearing. However, for materials licenses and fuel cycle facilities, most hearings are informal.

If local interest is strong, the NRC may decide to hold public meetings in the vicinity of a proposed facility. Notices of local meetings may be mailed to citizens' groups and civic and government leaders in the community and may be advertised in local newspapers.

Decommissioning and License Renewal

When a nuclear power plant approaches the end of its initial 40-year operating license period, the utility that operates it may choose to decommission the plant and terminate its license. Other

utilities may decide instead to request an extension of their licenses to continue to produce electricity up to 20 years past the original license under the NRC plant license renewal rule. In either case, the public has an opportunity to participate in NRC's decisionmaking process to either renew a license or decommission a facility.

This process is also used in licensing and decommissioning nuclear materials facilities, such as those handling low-level radioactive waste. When facilities stop operating, the owners must initiate decommissioning to remove or re-



duce radioactive contamination that might have occurred at the site during operation. The NRC has developed a list of sites in the United States that warrant special oversight because of unique decommissioning issues.

The public may become involved in the decommissioning process for these sites during the development of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). These terms are described in more detail below. The NRC also provides opportunities for public involvement through roundtable meetings. They are convened when the NRC believes that enhanced public involvement will contribute to the success of the decommissioning process. The NRC conducts roundtable meetings in the vicinity of the site to enable the public to collect information, to comment on and question the decommissioning actions at the site, and to discuss decommissioning issues among stakeholders. The roundtable format includes representatives of Federal and State agencies, interest groups, and the community. Meetings are usually announced in local newspapers or on local radio stations.

High-Level Waste

The projected licensing of a high-level waste (HLW) repository is a first-time endeavor for NRC, and one in which public participation started well before an actual license application. All meetings regarding the HLW program are open to the public and noticed in the *Federal Register*. Up-to-date information on future meetings and other important activities regarding the HLW program can be obtained on the Internet at <http://www.nrc.gov>.

Nuclear power plants can store spent nuclear fuel in independent spent fuel storage installations (ISFSIs) on the premises of the plant under either a specific or a general license from the NRC. Applications for a specific license would be handled the same as other licensing actions—with full notice and participation by the affected community on use of storage containers at the facility. Under the terms of an NRC general license, any nuclear power reactor licensee can use a pre-approved storage cask if the company notifies the NRC in advance, meets the conditions of the cask's NRC certificate of compliance, and complies with the NRC's regulations. Before

approving a cask design for use under a general license, the NRC publishes a notice of proposed rulemaking in the *Federal Register* for public comment and issues a press release.

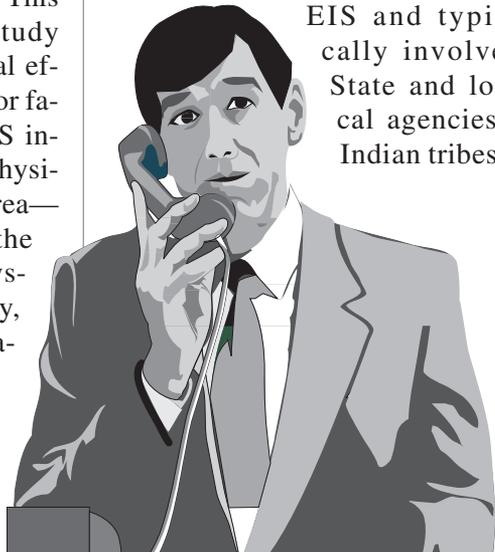
Environmental Impacts

When the NRC reviews a proposal to build a major new facility or considers any other action that might have a significant impact on the environment, an Environmental Impact Statement (EIS) must be developed by the NRC staff. The concept of an EIS originated in the National Environmental Policy Act (NEPA), which requires Federal evaluation of a proposed facility's impact on the environment. This is a detailed, scientific study describing the environmental effects of the proposed action or facility. For example, the EIS includes information on the physical characteristics of the area—geology, water, and air—the ability of transportation systems to support the facility, and local population information.

An Environmental Assessment (EA) is usually prepared and published in the *Federal Register* as a precursor to an EIS. An EA is a brief discussion of the need for the proposed action, along with a list of the agencies and experts consulted. If the EA indicates the proposed action or facility will not have a significant effect on the environment, no EIS is required.

Scoping meetings provide a forum for members of the public to express their opinion and provide information in preparation for environmental evaluations. These meetings are often held to help NRC identify issues to be

addressed in an EIS and typically involve State and local agencies, Indian tribes,



or other interested people who request participation.

For example, while the NRC was developing its decommissioning rule, the agency conducted four scoping meetings around the country to gather public comments regarding the EIS and the clean-up criteria for the decontamination and decommissioning of NRC-licensed facilities.

Petitions

Any member of the public may raise potential health and safety issues in a petition to the NRC to take specific enforcement action regarding a licensed, operating facility. This provision is contained in Subpart B, Section 2.206 of the NRC's regulations and is often referred to as a "2.206 petition." In general, the petition is submitted in writing to the Executive Director for Operations and includes specific facts supporting the request for the NRC to take enforcement action. Unsupported assertions of safety problems or general opposition to nuclear power are not considered sufficient grounds for action. If warranted, the NRC could take action to modify, suspend, or revoke a license, or could

take other appropriate enforcement action to resolve a problem identified by a 2.206 petition.

Once a petition is accepted for review, and throughout the petition process, the petitioner is informed of progress, given copies of all relevant correspondence, and may be offered an informal public hearing, if appropriate. An informal public hearing is offered when the petition presents new information that raises a significant safety issue or alleges a violation of NRC requirements involving a significant safety issue for which new information or a new approach is provided. The NRC publishes a notice in the *Federal Register* when it receives a 2.206 petition and again 30 days in advance of an informal public hearing.

Electronic information on petitions is available at <http://www.nrc.gov/what-we-do/regulatory/enforcement/petition.html>. More detailed information on this process is contained in a pamphlet entitled "Public Petition Process," NUREG/BR-0200, which is available from the Government Printing Office and NRC's Office of Public Affairs.



Reporting Safety Concerns

Often workers at nuclear power plants or members of the public raise concerns that safety rules are not being followed at the facilities where they work or near where they live. The NRC has established a formal process for reviewing and resolving these concerns.

The NRC encourages workers in the nuclear industry to take their concerns directly to their employer because he or she has the primary responsibility for maintaining safe operations. However, should employees not be satisfied by company response or choose to bring safety concerns directly to the NRC, they may do so by calling NRC's toll-free safety hotline,

1-800-695-7403. Any member of the public may voice safety concerns in this same manner. Additional information on reporting safety concerns is found in "Reporting Safety Concerns to the NRC," NUREG/BR-0240, from NRC's Office of Public Affairs.

Enforcement

The NRC's enforcement program seeks to protect public health and safety by ensuring that licensees comply with regulations and license conditions. Enforcement actions might take the form of notices of violations, civil penalties, or orders to modify, suspend, or revoke licenses. Predecisional enforcement conferences are often held with a licensee, a vendor, or other person before the NRC

makes its final decision on a significant enforcement action. In most cases, these conferences are open to public observation. The NRC issues press releases announcing all open enforcement conferences, as it does with public meetings (see the following section, “Public Meetings”). In addition, summaries of all enforcement conferences, NRC actions, and licensee responses are available in the NRC’s Public Document Room.

Public Meetings

The public can keep abreast of NRC’s regulatory activities through a variety of open meetings dealing with significant safety is-

ssues. These include most technical meetings with licensees and meetings with trade organizations and public interest groups. Often, the NRC staff meets with licensees to discuss their safety performance. These meetings are open for public observation.

In some cases, meetings are held in the community near a nuclear power plant or other facility to make it easier for the public to participate. If a community expresses concern over licensing or other actions involving a facility nearby, the NRC may hold public meetings near the site to explain the NRC’s role as it relates to the licensee’s planned activities and to answer questions posed by local citizens.

Public meetings may also be held when a licensee submits a plan to decommission a facility. Other open meetings may be held at one of the NRC regional offices or at



NRC Headquarters in Rockville, Maryland.

The types of meetings that are not usually open to the public include discussions of classified, proprietary, or safeguards information; ongoing investigations; privacy information; inspector meetings with licensee management and technical staff on site; or meetings that could pose a significant administrative burden and interfere with NRC's primary safety responsibilities.

Schedules of all NRC meetings are available electronically at <http://www.nrc.gov/public-involve/public-meetings/meeting-schedule.html>.

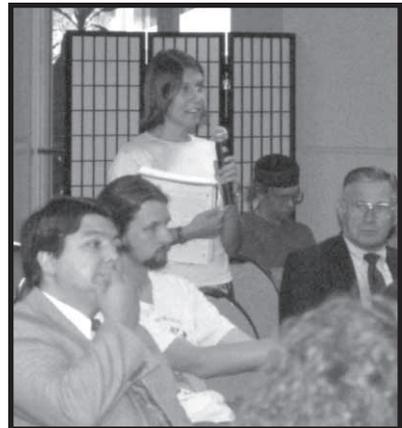
Weekly lists of staff meetings are also posted in the agency's public document room in Rockville, Maryland.

For staff meetings, a listing is available at least 10 calendar days in advance of the date of the meeting. Notices for Commission and Advisory Committee meetings are published in the *Federal Register*.

Persons interested in the activities of a particular committee may call or write the NRC Advisory Committee Management Officer, Office of the Secretary, Washington, D.C. 20555-0001; telephone 301-415-1968.

The agency's policy regarding open meetings is described in more detail in NRC's Management Directive 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff" (available from the Government Printing Office).

In addition to these mechanisms, the NRC announces major meetings in press releases issued to the news media and mailed to more than 1,000 addressees. Notices are posted in the Public Document



Room and sometimes through advertisements placed in local newspapers several days in advance of a meeting.

Freedom of Information Acts Requests

The NRC releases information to the public related to its health and safety mission by placing documents in its Public Document Room. However, under the Freedom of Information Act (FOIA), members of the public may request copies of other NRC documents and, unless these records fall under specific Federal exemptions, the NRC will provide access to them within 20 working days after the request is received. Under certain circumstances, fees are charged to cover the cost of locating and copying the requested material.

Freedom of information inquiries may be addressed to the FOIA/PA officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

General Correspondence

At any time, of course, a member of the public can request information in writing or identify concerns about nuclear facilities through regular correspondence. Routine correspondence between NRC and its licensees is made available in the Public Document Room. General correspondence should be addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

For Additional Information

For more information on public involvement, contact the NRC Office of Public Affairs by telephone at 301-415-8200, or via Internet electronic mail at <OPA@NRC.GOV>.

For more detailed descriptions of how to obtain information from the NRC, you can order a copy of the latest revision to the "Citizen's Guide to NRC Information," NUREG/BR-0010, by writing to the Superintendent of Documents, Government Printing Office, Mail Stop SSOP, Washington, DC, 20402-0001 or at <http://bookstore.gpo.gov/>.

