
POLICY ISSUE

Notation Vote

January 22, 2016

SECY-16-0007

FOR: The Commissioners

FROM: Victor M. McCree
Executive Director for Operations

SUBJECT: PROPOSED REVISIONS TO POLICY STATEMENT ON ENHANCING
PUBLIC PARTICIPATION IN U.S. NUCLEAR REGULATORY
COMMISSION MEETINGS

PURPOSE:

To request Commission approval to publish for public comment in the *Federal Register* a proposed revision to the Commission's Policy Statement on enhancing public participation in U.S. Nuclear Regulatory Commission (NRC) meetings. The revisions are proposed to improve the consistency of NRC public meetings and help individuals better prepare for a meeting by illustrating the level of public participation to be offered for each type of meeting.

SUMMARY:

As part of an initiative to enhance its public meetings, NRC staff is proposing a revised policy statement that would modify the public meeting categorization system and redefine the three categories of public meetings. The revised statement also includes topics such as civility at NRC public meetings, staff innovation with meeting formats, and changes to the posting requirement for public meetings that do not include a face-to-face component.

BACKGROUND:

The NRC has had a formal policy regarding open meetings since 1978; the most recent revision was issued in 2002. On March 5, 2014, then Chairman Macfarlane issued a tasking memorandum (Agencywide Document Access and Management System (ADAMS) Accession No. ML14070A070) to the Executive Director for Operations (EDO) requesting that NRC staff

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take certain actions concerning the staff's conduct of public meetings. The EDO responded to the Chairman in a May 30, 2014, memorandum (ADAMS Accession No. ML14149A323) reinforcing the NRC's commitment to transparency and openness, increasing public confidence, and establishing and retaining its position as a trusted regulator. In addition, the EDO committed to assemble a task group "...to complete a comprehensive look at our public meeting policies, processes, and guidance, including their implementation, and work toward making what we view as necessary improvements to those aspects of our work." The task group on Enhancing NRC Public Meetings was formed in June 2014, and produced a set of recommendations that were provided to the EDO in January 2015 (ADAMS Accession No. ML15029A456).

The task group found wide differences in the conduct of public meetings and outreach efforts across the agency, including in the planning and conduct of meetings, as well as the attitudes about the value and usefulness of public interaction. The task group recommended a more inclusive process and encouraged increased management support for public interaction. The task group also suggested efforts to better balance implementation of agency-wide standards and allowing staff flexibility in outreach efforts. The task group concluded that improved consistency in the public meeting process will help the public know what to expect from an NRC meeting. At the same time, the NRC must seek out and encourage creative ways to engage the public and promote participation, as well as effectively interact with members of the public.

In response to the task group's report, the staff has begun implementing several enhancements to the existing public meeting process, including drafting new guidance for public meetings.

DISCUSSION:

The purpose of this new policy statement is to re-affirm the importance of NRC's public meetings and address a number of concerns noted by the public and NRC staff, including helping individuals better prepare for NRC public meetings.

The most significant proposed change to the policy statement is a revised meeting categorization system based on the level of public participation. The current categories of NRC public meetings are labeled "1, 2, and 3." Public participation levels for category 1 and 2 meetings are essentially the same. However, public participation for a Category 3 meeting can range from NRC receiving comments from the public (and responding later) to engaging in dialog with members of the public in response to questions. This bilateral purpose has led to confusion among members of the public who are unclear as to what to expect from a public meeting. The revised categorization system removes the "1, 2, and 3" labels and incorporates a clear description of the level of public participation planned for the meeting:

- Observation Public Meeting
- Information Public Meeting
- Commenting Public Meeting

These revised categories better enable members of the public to prepare for and participate in NRC public meetings. The table below compares the current categories to the proposed new categories.

Old Category	Purpose of Meeting	Level of Public Participation	New Category
1	For NRC to meet with representatives of a single external entity* in a public forum	Other attendees observe the business portion of the meeting and can ask questions of NRC staff at designated points	Observation Public Meeting
2	For NRC to meet with representatives of multiple external entities* in a public forum		
3	For NRC to meet with individuals to inform them and discuss regulatory topics	Public discussion is actively sought	Information Public Meeting
	For NRC to meet with individuals to inform them and take their feedback/comments	Public discussion and feedback/comments are actively sought	Commenting Public Meeting

*External entities refer to industry representatives, licensees, vendors, applicants, potential applicants, or non-government organizations, or knowledgeable members of the public.

Another proposed change to the policy statement involves changing the time for announcing public meetings that do not involve face-to-face interaction. The current 10-day metric for posting public meetings was established primarily to allow sufficient time for participants to make travel plans. Because public meetings conducted using telecommunications or other information technology do not require stakeholder travel, the noticing requirement can be reduced to at least 5 calendar days before the meeting. Reducing the metric to 5 calendar days for meetings that do not involve face-to-face interaction (e.g., teleconferences, webinars) is warranted since it will provide additional flexibility and allow staff to conduct public meetings with less lead time.

The “Visitors and Security” details that were present in the 2002 policy statement will be included in staff guidance or provided in public meeting notices. A staff-level document is a more appropriate location for this information as it changes with some frequency. Issuing a new policy statement to keep current with such requirements is unnecessary.

To support this revised policy statement, staff will take several additional actions to enhance NRC’s public meetings, including revising NRC Management Directive 3.5, “Attendance at NRC-Sponsored Meetings,” and updating or creating public meeting-related guidance. The revised policy statement and additional guidance will help make the planning and preparation of a public meeting more efficient for NRC staff, while making it easier for external stakeholders to participate in the meetings.

RECOMMENDATION:

The staff recommends that the Commission approve for publication in the *Federal Register* the enclosed proposed revised policy statement for a 75-day public comment period.

RESOURCES:

Funding may be necessary to revise the NRC’s Public Meeting Notice System, depending upon

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the level and number of updates to the system required as a result of the revised policy statement and resulting changes.

COORDINATION:

The Office of the General Counsel has no legal objection to the proposed policy statement. The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objection as there are no resource implications required for the activities described in this paper.

/RA/

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for Operations

Enclosure:
Draft *Federal Register* Notice

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Enclosure:
Draft *Federal Register* Notice

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