

March 2, 2011

The Honorable Barbara Boxer  
Chairman, Committee on Environment  
and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Madam Chairman:

In accordance with Public Laws 94-409 and 104-66 (5 U.S.C. '552b(j)), I enclose the U.S. Nuclear Regulatory Commission's Annual Report of the Administration of the Government in the Sunshine Act for Calendar Year 2010.

Sincerely,

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Gregory B. Jaczko

[Enclosure: As stated](#)

cc: Senator James M. Inhofe

Identical letter sent to:

The Honorable Barbara Boxer  
Chairman, Committee on Environment  
and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator James M. Inhofe

The Honorable Joseph R. Biden, Jr.  
President of the United States Senate  
Washington, D.C. 20510

The Honorable John A. Boehner  
Speaker of the United States  
House of Representatives  
Washington, D.C. 20515

The Honorable Thomas R. Carper  
Chairman, Subcommittee on Clean Air  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator John Barrasso

The Honorable Fred Upton  
Chairman, Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative Henry A. Waxman

The Honorable Ed Whitfield  
Chairman, Subcommittee on Energy and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative Bobby L. Rush

The Honorable John Shimkus  
Chairman, Subcommittee on Environment  
and the Economy  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515  
cc: Representative Gene Green

ANNUAL REPORT

GOVERNMENT IN THE SUNSHINE ACT

1. AGENCY NAME: U.S. Nuclear Regulatory Commission

2. CALENDAR YEAR: 2010

3. CHANGES IN POLICIES AND PROCEDURES DURING PAST YEAR

No changes occurred during CY 2010. The Commission did not hold any “non-Sunshine Act discussions” during CY 2010.

4. MEETINGS: (January 1, 2010 through December 31, 2010)

A.	Total Number of Open .....	42(84%)
B.	Total Number of Closed .....	7(14%)
C.	Total Number of Partially Open/Closed .....	1(2%)
	Total Number of Meetings .....	50

The above meetings are counted by the number of separate agenda topics discussed as described in Appendix A. Appendix B contains a tabulation of open and closed meetings per month for CY 2010. Throughout this report, meeting numbers quoted are counts of individual items.

5. EXEMPTIONS USED FOR CLOSING OR PARTIALLY CLOSING MEETINGS

	<u>Number of Times Used</u>
Exemption 1 .....	4
Exemption 2 .....	1
Exemption 9 .....	1
Exemption 10 .....	1
Total .....	7

6. DESCRIPTION OF LITIGATION AND FORMAL COMPLAINTS

None.

7. EXPLANATION OF CHANGES IN LAW

None.

8. ADDITIONAL INFORMATION

This report was prepared in the Office of the Secretary, U.S. Nuclear Regulatory Commission. Comments or inquiries on this report or related matters should be addressed to:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Telephone inquiries can be made to the Office of the Secretary by dialing (301) 415-1969.

APPENDICES:

- A. Definition of Meeting
- B. Tabulation of Open and Closed Meetings by Month
- C. Tabulation of Meetings by Days' Notice

## APPENDIX A

### **DEFINITION OF MEETING**

#### NRC's Statutory Meeting Requirement

The Nuclear Regulatory Commission is a five-member independent regulatory commission established by the Energy Reorganization Act of 1974 (P.L. 93-408). It is responsible for ensuring the protection of the public health and safety through the licensing and regulation of the uses of nuclear materials. Section 201(a)(1) of the Energy Reorganization Act, 42 U.S.C. §5841(a)(1), provides that "[a]ction of the Commission shall be determined by a majority vote of the members present." In order to conduct meetings under the Government in the Sunshine Act, a quorum must be present.

#### Meetings Defined by Sunshine Act

The Commission's definition of "meeting" incorporates verbatim the Supreme Court's definition from *FCC v. ITT World Communications*, 466 U.S. 364 (1984) and is consistent with the approach endorsed by legal experts. The Commission defines "meeting" as:

the deliberations of at least a quorum of Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, that is, where discussions are sufficiently focused on discrete proposals or issues as to cause or to be likely to cause the individual participating members to form reasonably firm positions regarding matters pending or likely to arise before the agency. Deliberations required or permitted by §§9.105, 9.106, or 9.108(c) do not constitute "meetings" within this definition.

*10 CFR §9.101(c), Government in the Sunshine Act Regulations*

This definition would properly allow some discussions among three or more Commissioners in a non-public setting.

Under current Commission procedures, generally one agenda item is scheduled for each Commission meeting or briefing. Accordingly, for the purpose of tabulating meetings in this report, each session is counted as a separate meeting even if several sessions or briefings occur on the same day. Appendix B contains meeting statistics reported using the above definition and methods.

APPENDIX B

**TABULATION OF OPEN AND CLOSED  
MEETINGS BY MONTH**

January 1, 2010 - December 31, 2010

<u>CY 2010</u>	<u>Open</u>	<u>Closed</u>	<u>Open/Closed</u>	<u>Total</u>
Jan	3	0	1	4
Feb	3	0	0	3
Mar	5	0	0	5
Apr	5	1	0	6
May	3	1	0	4
Jun	5	0	0	5
Jul	2	1	0	3
Aug	3	0	0	3
Sep	4	0	0	4
Oct	4	1	0	5
Nov	4	1	0	5
Dec	1	2	0	3
Total	42	7	1	50

APPENDIX C

**TABULATION OF MEETINGS  
BY DAYS' NOTICE**

January 1, 2010 - December 31, 2010

<u>DAYS' NOTICE</u>	<u>OPEN</u>	<u>CLOSED</u>	<u>OPEN/CLOSED</u>	<u>TOTAL</u>
12 or more	27	6	1	34
11	0	0	0	0
10	0	0	0	0
9	1	0	0	1
8	4	0	0	4
7	<u>6</u>	<u>0</u>	<u>0</u>	<u>6</u>
<b>Subtotal</b>	<b>38</b>	<b>6</b>	<b>1</b>	<b>45</b>
6	0	0	0	0
5	0	0	0	0
4	0	0	0	0
3	0	0	0	0
2	1	0	0	1
1	2	0	0	2
Less than 1	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>
<b>Subtotal</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>
<b>GRAND TOTAL</b>	<b><u>43</u></b>	<b><u>6</u></b>	<b><u>1</u></b>	<b><u>50</u></b>