

February 27, 2013

Judy Treichel
Executive Director
Nevada Nuclear Waste Task Force, Inc.
4587 Ermine Court
Las Vegas, NV 89147-5178

Dear Ms. Treichel:

This letter is in response to your January 28, 2013, letter to the U.S. Nuclear Regulatory Commission (NRC) Chairman and Commissioners involving the January 23, 2013, public virtual meeting on potential improvements in the communication of significant regulatory issues.

The summary of the meeting can be found in NRC's Agencywide Documents Access and Management System (ADAMS) (ML13046A387). A number of useful ideas were put forward by the meeting participants. Please note that some of the points you make in your letter are reflected in the meeting summary. The staff intends to review the input shared during the meeting and take appropriate action to address the feasible ideas provided as part of the staff's normal work. Action on some of the ideas has already begun. For example, staff has already started working on an NRC Science 101 series for the NRC blog as well as plain language posts on "how things work."

The NRC faces several challenges in communicating with a wide spectrum of stakeholders; some who fully understand the technical details of its communications, some who do not. As noted during the meeting, we are always striving to do better, and input from stakeholders like you, helps us to better communicate and regulate.

The NRC staff is committed to engaging stakeholders and other interested parties as it moves forward with its Waste Confidence initiative. In that regard, we are being proactive in reaching out to those interested by holding public meetings, webinars, monthly public status calls, and through our WCO Outreach e-mail effort. We want to ensure that those interested are fully informed about the status of the effort and of opportunities for them to become actively involved in the process.

As to your comments involving "limited appearance," the limited appearance rule is embodied in 10 CFR 2.315(a). That rule provides as follows:

§ 2.315 Participation by a person not a party.

- (a) A person who is not a party (including persons who are affiliated with or represented by a party) may, in the discretion of the presiding officer, be permitted to make a limited appearance by making an oral or written statement of his or her position on the issues at any session of the hearing or any prehearing conference within the limits and on the conditions fixed by the presiding officer. However, that person may

not otherwise participate in the proceeding. Such statements of position shall not be considered evidence in the proceeding.

The underlined portions of the rule reflect two fundamental and universal principles of litigation, that non-parties do not have “standing” to participate in a proceeding, and their statements may not be considered by the trier of fact, unless presented in the form of expert testimony or other admissible evidence. I am confident that any statements made by the presiding officer in the Private Fuel Storage proceeding were consistent with this rule.

Be assured that the Commission and the NRC staff in general are very interested in improving communication with the public and appreciate the knowledge, sincerity, and importance of what informed people and organizations have to say.

Sincerely,

/RA/

Kathryn M. Brock
Acting Assistant for Operations
Office of the Executive Director for Operations

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Office of the Executive Director for Operations

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