

March 28, 2014

Mr. Thomas L. King
7548 S Hwy 1 #144
Port Saint Lucie, FL 34952

Dear Mr. King:

I am responding to your correspondence to the U.S. Nuclear Regulatory Commission (NRC) dated March 18, 2013, found under Accession No. ML13136A224 in the NRC's Agencywide Documents Access and Management System. In your correspondence you requested that the NRC require that all public meetings be held on public property, so that the public's access could not be restricted by utility companies.

In order to be accepted and considered by the NRC, a petition for rulemaking (PRM) must meet the criteria in § 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Petition for rulemaking." The NRC has carefully reviewed your request and has concluded that the information you provided does not meet the Commission's criteria under 10 CFR 2.802(c) for a PRM.

Section 2.802(c)(1) provides that a PRM must "[s]et forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended." Your request, however, did not clearly describe the underlying problem as it did not sufficiently identify the type of public meetings about which you are concerned. Any NRC licensee, such as a nuclear power plant licensee, may hold or sponsor its own meetings, which may or may not be open to the general public. In this regard, the NRC generally has no authority to regulate or otherwise control a meeting held or sponsored by a licensee.

It is not clear from your request whether the meeting from which you indicate you were barred was an NRC-sponsored meeting or a meeting sponsored by the licensee or a third party, nor was it clear whether the meeting was open to the public. Please note that the presence of NRC personnel at a meeting sponsored by a licensee or third party does not necessarily make that meeting an NRC public meeting. Certainly, the NRC staff does hold public meetings, but it also may hold meetings with specific licensees or other stakeholders; public access to some of these meetings may be restricted. For example, an NRC meeting may be restricted if the subject matter involves sensitive information about facility security. Please see the NRC Web site for

more details on NRC public meetings.¹ Essentially, your request did not describe or identify how the NRC's public meeting process is deficient nor did it describe how rulemaking by the NRC would resolve any such deficiency.

In addition, § 2.802(c)(2) provides that the petitioner "[s]tate clearly and concisely the petitioner's grounds for and interest in the action requested." Your request did not provide such information.

Section 2.802(c)(3) provides that a PRM must:

[i]nclude a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened.

Your request did not provide any such statement in support of your petition.

If you would like to submit additional information in order to meet the criteria in 10 CFR 2.802, then your submission should set forth a general solution to the problem *or* the substance or text of any proposed regulation or amendment, *or* specify the regulation which is to be revoked or amended. In addition, you should state your grounds for and interest in any potential rulemaking by the NRC on this matter. Finally, you should provide a statement in support of your petition as described in § 2.802(c)(3).

In order for the NRC to continue its consideration of your request, you must supplement your correspondence of March 18, 2013, to meet the minimum requirements for a PRM. This information must be received by the NRC within 90 days of the date of this letter or your request will be considered closed.

The regulations pertaining to the petition process may also be found online at <http://www.nrc.gov/reading-rm/doc-collections/cfr>.

¹ NRC Web site address: <http://www.nrc.gov/public-involve/public-meetings.html>. In addition, the NRC provides guidance to its staff on holding public meetings in NRC Management Directive 3.5, which is available on the NRC Web site at: <http://pbadupws.nrc.gov/docs/ML1129/ML112971635.pdf>. The NRC also published a public meeting policy in the *Federal Register* on May 28, 2002 (67 FR 36920), which is available on the *Federal Register* Web site at <https://www.federalregister.gov/articles/2002/05/28/02-13244/enhancing-public-participation-in-nrc-meetings-policy-statement>.

T. King

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If you have any questions, please contact Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, by calling 301-287-0949 or toll-free 1-800-368-5642, or by e-mail to Cindy.Bladey@nrc.gov.

Sincerely,

/RA/

Darren B. Ash
Acting Executive Director
for Operations

T. King

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Sincerely,

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Darren B. Ash
Acting Executive Director
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*concurrence via e-mail

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