

May 30, 2014

MEMORANDUM TO: Chairman Macfarlane

FROM: Mark A. Satorius */RA Mike Johnson for/*
Executive Director for Operations

SUBJECT: RESPONSE TO TASKING MEMO ON ENHANCING U.S. NUCLEAR
REGULATORY COMMISSION PUBLIC MEETINGS

This memorandum responds to your March 5, 2014, tasking memo on "Enhancing NRC Public Meetings." Specifically, this memo addresses the topics of "Meeting Facilitators" and "Training." A forthcoming memo will address the third issue discussed in the tasking memo, "Meeting Documentation."

I agree with you that we should always be looking for ways to improve how we engage the public and that making progress with our public meetings can only serve to further reinforce our commitment to transparency and openness, create increased public confidence in the regulatory decisions we make, and help us accomplish our agency's vision of being a trusted regulator. As such, the following presents updated information involving the two noted topics, as well as my overall plan to enhance our public meetings.

Meeting Facilitators

In your tasking memo, you asked that I provide the staff's analysis of the following issues:

What are the criteria that are applied to determine if an external facilitator should be used for a particular meeting? For instance, do we routinely do so in instances in which a facility has heightened public interest and/or low trust, or in which issues have generated significant controversy? If so, why are independent facilitators used in some instances of heightened interest and not others? What are the criteria we apply to secure this capability and the procurement options available?

There are currently no formal, established criteria used agencywide to determine when an external or an external and independent facilitator should be used for a public meeting. However, the factors that you mention in your tasking memo (heightened public interest, low trust, and significant controversy) are taken into account when making the decision. Additional

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factors that are taken into account include the cost of using and the difficulty in securing the services of an external facilitator. An external facilitator can also fully devote themselves to a meeting or a series of meetings, something a collateral-duty facilitator cannot do. Additionally, the optics of a situation may also make it advantageous for staff to engage an external facilitator. Regardless of the reasons to use an external facilitator, this decision is routinely left to the staff and management that have the lead for a given meeting.

Having said that, I agree that there is merit in establishing clear agencywide guidance addressing when staff should consider using an external or independent facilitator. In fact, I believe that the criteria staff would use to make this decision are directly related to the criteria staff would use to make other decisions about a public meeting such as whether the meeting should be transcribed or recorded, and whether a participation technology such as web-streaming should be used. These factors are being explored further by the group of staff that is currently drafting guidance involving meeting summaries as part of the response to your tasking memo. In addition to drafting this guidance, this group has identified, and is in the process of refining, a number of factors staff should consider when preparing for a public meeting to help decide upon several elements. This guidance will be included along with the meeting summary guidance I will provide to you, per your tasking memo, by the end of July.

As for the procurement options available when seeking the services of an external facilitator, proceeding with a new contracting action is typically not practical due to the lack of advanced notice for a meeting. Staff currently has limited practicable options, including using a credit card, or bringing the facilitator in using an existing contract for similar services. None of these options are ideal for such a service, however, due to a number of factors. The credit card spending limit of \$3,000 creates a challenging spending maximum. Existing contracts can only be used if facilitation services fall within their initial scope.

Based on the acquisition approaches that could be used to obtain facilitator support, I have directed staff to explore a non-competitive 8(a) procurement through the agency's Small Business Program. Assuming a viable source can be identified, I believe a contract of this type is the best option as staff will be able to write a task order whenever they require the services of an external facilitator and process it in a timely manner. If a viable source cannot be identified, another procurement option will be used.

Training

In your tasking memo, you asked that I address the following issues:

I look forward to the staff's analysis of successful models of public engagement and your recommendations for strengthening effective meetings, including course offerings that support the best practices for staff assessment, development, and presentations.

In response to your tasking memo, an NRC contractor assessed successful models of public engagement. The resulting independent report offers insights and provides the staff many considerations. The primary conclusion of the report is that true public involvement is having an

open process where all views are exchanged and considered. Viewed collectively, the organizations discussed in the report indicate that successful public engagement should include multiple aspects. Some of those mentioned include:

- A strong commitment to public engagement/public involvement that goes beyond merely informing the public;
- Employment of a wide range of outreach tools and public involvement activities;
- Opportunities for the public to provide direct input; and
- A values-based commitment to learn and adapt.

Staff and management are in the process of reviewing the report to determine what insights it provides regarding successful public engagement methods that NRC should consider implementing or adapting.

I believe, based in part on comments from public meeting participants, that NRC currently does an excellent job implementing some of the concepts discussed in the report, such as our receiving and handling of formal comments, however, we fall short on others. An effective public involvement process reinforces our commitment to transparency and openness, creates increased public confidence in the regulatory decisions we make, and helps us accomplish our agency's vision of being a trusted regulator. I have observed how public input in our processes can help us more thoroughly accomplish our mission. For example, the comments we receive from members of the public help us establish the scope of an environmental review. Because of this, I believe that an internal dialogue is needed about how, and to what extent, we can best achieve the goal discussed in the report of having an open process where all views are exchanged and considered. This dialogue is essential to develop the framework necessary to enhance not only meeting processes, but ultimately their outcome.

As such, we are in the process of assembling 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 group will consist of staff and management from across the agency that represents a diverse set of perspectives and experiences. The group will begin operations by July and will develop documents, including a timeline, to support its work.

As far as current training on public meeting-related topics, a contractor is currently refining a two-day "Conducting Effective Public Meetings" course. The first draft is scheduled to be available in June for additional review and input. Staff from the regions will be asked to provide input, recognizing that there are variations among the Regions, as well as Headquarters, in how staff conducts public meetings. A pilot of the course will be completed at NRC headquarters this summer to approve the course.

A contractor is also currently developing two new courses to enhance NRC staff performance during public meetings: a three-day "Basic Presentation Course" and a two-day "Advanced Presentation Training" course. The Advanced course will also be used as a refresher course. The two courses are scheduled to be available this summer in iLearn. The courses will include opportunities for attendees to practice their presentation skills.

Per your original tasking memo, I will provide you with a second follow-up memo by the end of July addressing meeting documentation. With regard to the "meeting documentation" tasking, a group of staff is currently drafting meeting summary guidance. This guidance will be provided agencywide by the time of the July memo. In that memo, I will also provide you with an update on the public meeting tasking group that I described above.

If at any time you would like a briefing on the progress of the activities described, please let me know.

cc: Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
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OGC
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OPA

A. Macfarlane

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