

## RESPONSE TO PUBLIC COMMENTS

Comments on the draft revision to the U.S. Nuclear Regulatory Commission's (NRC) policy statement on Enhancing Participation in Public Meetings are available at [www.regulations.gov](http://www.regulations.gov) under Docket ID NRC-2016-0178. Comments were received from the following individuals:

Regulations.gov Comment No.	Commenter Affiliation	Commenter Name	Abbreviation
1	SanOnofreSafety.org	Donna Gilmore	DGilmore
2	None Provided	Elaine Clermont	EClermont
3	None Provided	Nick Negoescu	NNegoescu
4	None Provided	Mike Mulligan	MMulligan
5	Union of Concerned Scientists	David Lochbaum	DLochbaum
N/A	None Provided	Marvin Lewis	MLewis
N/A	Indian Point Safe Energy Coalition	Marilyn Elie	MElie

This document lists each public comment by comment number. Additional comments received by the NRC are listed following the formal comments. For each comment, the NRC has either repeated the comment as written by the commenter or summarized the comment for conciseness and clarity.

### DGilmore-1

It is unclear how this proposed revision compares to the previous meeting levels or how the proposed changes will enhance public participation. Please do a comparison between the old and the new, so this is clear.

### NRC Response

The NRC agrees with this comment. The NRC prepared a comparison table showing the differences between the public meeting categories from the current policy statement to the proposed revision. The NRC includes this comparison table in its presentation Agencywide Document Access and Management System (ADAMS) Accession No. ML16272A004) at the public meeting on September 29, 2016. The NRC also summarized the proposed changes during the meeting (see meeting summary at ADAMS Accession No. ML16274A128). The NRC also included a discussion of the proposed changes its [September 19, 2016, blog post](#) regarding the proposed policy statement. The table and summary of changes are reproduced below. There is no change to the policy statement required to address this comment.

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 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 Meeting with a Question and Answer Session
	For NRC to meet with individuals to inform them and take their feedback/comments	Public discussion and feedback/comments are actively sought	Comment-Gathering Meeting

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

### DGilmore-2

Also, it appears the Observation meeting will not allow questions from the public. I emailed the NRC contact, Lance Rakovan, and he said that is not the case and I should submit comments to this docket if this is not clear. Therefore, please clarify. It is critical the public be able to ask questions and make comments via conference lines in all meeting levels. To describe a meeting as an "observation" meeting and then to not specifically state that the public can ask questions in an observation meeting is misleading.

### NRC Response

The NRC agrees with this comment. The intent of the revision is not to disallow questions during Observation Meetings. The NRC has modified the "Level of Participation" section under Observation Meeting to include the highlighted text:

Level of Participation – Other attendees besides the entities or representatives noted above are invited to observe the meeting and discuss regulatory issues with, and pose questions to, the NRC representatives at a designated point or points identified on the agenda. This does not preclude a licensee or other meeting attendees from responding to questions if they choose to do so.

DGilmore-3

Include bridgeline number in all meeting notices.

NRC Response

The NRC disagrees with this comment. There are times when the NRC requests that those interested in calling in contact a staff member for the bridgeline information rather than posting it in the meeting notice. This practice helps the NRC gain some understanding of how many participants may be calling in to a meeting to ensure that all interested parties can be accommodated. No changes to the policy statement were made in response to this comment.

DGilmore-4

Provide links to presentations and documents related to those meetings as soon as they are available. In the meeting notice, include the link where these documents will be found.

NRC Response

The NRC agrees with this comment. The NRC staff is expected to add presentations and related documents to ADAMS in advance of the meeting when possible and to post links to those documents in the meeting notice. A Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. There is no additional change to the policy statement required to address this comment, however, the NRC will review, and if necessary revise, staff-level guidance to ensure that this point is clear.

DGilmore-5

Post meeting summaries and document links together with meeting agendas so people can more easily find documents when looking for meeting information past and present. I know this is supposed to happen for past meetings under Meeting Archives, but it is not currently enforced. For example, the 8/5/2014 meeting with the Nuclear Energy Institute on Chloride Induced Stress Corrosion Cracking Regulatory Issue Resolution Protocol still has not been posted in the archive, even after multiple written and verbal requests. Here's a link to the meeting summary and some related documents:

<http://www.nrc.gov/docs/ML1425/ML14258A087.html>

Here's the webpage where it should be listed: <http://www.nrc.gov/waste/spent-fuel-storage/public-involvement.html>

NRC Response

The NRC agrees with this comment and will update staff-level guidance and best practices to address this issue. A Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. No changes to the policy statement were made in response to this comment.

DGilmore-6

Improve sound quality on bridgelines. It is very typical that all those speaking in the meeting cannot be heard on the bridgeline. This is an on-going problem that needs to be addressed more proactively. If this means you need more speakers in the room or better quality speakers, that is a minor cost that should be implemented immediately. Attempts to address this on each call have only been partially effective.

NRC Response

The NRC agrees with this comment, however staff believes that this issue is due to logistics (e.g., staff not speaking loud enough or being close enough to microphones) as opposed to technology limitations. A Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. The NRC will update staff-level guidance and best practices to address this issue. Additionally, the NRC will develop a best practices for teleconferences document that will address how to help ensure bridgeline participants can hear and be heard. No changes to the policy statement were made in response to this comment.

DGilmore-7

There should also be a method to sign up to be notified for specific categories of meetings. For example, people interested in meetings on spent fuel storage and transportation should be added to a listserv that will be sent an email when one of those meetings is scheduled. This will be particularly helpful when there is short-notice to meetings.

NRC Response

The NRC agrees with this comment in part. There are already ways for members of the public to be alerted about upcoming public meetings. For example, members of the public can sign up to receive tweets from the NRC's public meeting notification system that will alert them of upcoming meetings and changes to certain meeting details. In the spirit of this comment, the NRC has updated the policy statement to address posting public meeting notices to applicable NRC listservs, which are already organized by subject matter. The second paragraph of the policy statement under "Notice and Access" has been updated to include the highlighted text:

The NRC shall provide public notice of meetings through the NRC's Public Meetings & Involvement Webpage at <http://www.nrc.gov/public-involve.html>. Meeting changes or cancellations will also be announced promptly on this Webpage. Individuals who cannot access the NRC's public Web site can contact the NRC's Public Document Room (PDR) staff via a toll-free number (1-800-397-4209) or by e-mail ([pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov)) for information on scheduled NRC meetings. Some meetings, specifically meetings with a high level of public interest, may also be noticed in the *Federal Register* or through other means such as a press

release, blog post, or advertisement in local newspapers. Meetings that are required by law to be publicly noticed, in the *Federal Register* or otherwise, will also be properly noticed in advance. The NRC staff shall ensure that public meeting notices are sent out to interested stakeholders using the mechanisms available, such as the applicable NRC listserv(s).

#### DGilmore-8

The public should be able to ask the other participants in the meeting questions relevant to their presentations. Currently, only questions to NRC staff are addressed.

#### NRC Response

The NRC agrees with this comment in part. Although participants can ask any other participant a question, the NRC is not able to compel meeting participants to address questions; participants at NRC public meetings may address questions at their discretion. No changes to the policy statement were made in response to this comment.

#### EClermont-1

There is no time when the NRC should not seek public comment, formal public comment.

There are no meetings that the NRC can eliminate the potential for proper and useful information to be presented by the Public. There is no meeting a member of the Public should not be entitled to attend and make a comment to the NRC and its participants.

To create any rules that do not give the NRC the benefit of the Public input is to limit the abilities of the NRC to serve the Public.

The NRC must remain open to the direction of the Public at all times in this Constitutional structure.

#### NRC Response

The NRC agrees with this comment in part. While all NRC public meetings will, at minimum, provide the opportunity for the public to ask questions and enhance transparency, they will not necessarily provide a forum for the submission of formal public comments, depending on the nature of the underlying regulatory activity involved. For example, the NRC may conduct an Observation Meeting to obtain information from a licensee in advance of an anticipated submittal. The meeting is open to the public in the interest of transparency, and will provide opportunities for the public to ask questions and learn more about the anticipated submittal, but the NRC would not be soliciting formal public comments on a submittal that is not yet under review. Additionally, depending on the nature of a licensee submittal, the opportunity to provide formal input may be limited to adjudicatory proceedings under Title 10 Code of Federal Regulations Part 2, to which this policy statement does not apply. The NRC has updated the "Participation in NRC Public Meetings" section to include the highlighted text:

In order to fulfill the NRC's commitment to openness, the level of participation, purpose, and description for each category of public meeting are described below. When assigning a category to a meeting, NRC staff will consider the objective of the meeting and the extent of known public interest in the topic. **The NRC staff should always be open to listening and responding to members of the public, even when the staff is not soliciting formal public comment.**

*NNegoescu-1*

Maintaining discipline and order within the Open Meeting is a must.

The past meetings have demonstrated that certain individuals have attempted to capture the meeting and take it hostage for their set agendas and not to enhance a scheduled meeting.

Establishing order at the beginning of the meetings, by clearly specifying that out of order outbursts would NOT be tolerated.

That continual out of order outbursts in attempts to disrupt the Open Meetings, would be sufficient grounds for removal of the disruptive individual(s).

NRC Response

The NRC agrees with this comment in part. The NRC fully agrees that proper order is necessary for the conduct of a fair and effective meeting. The NRC is developing a rules of etiquette for NRC public meetings document, separate from the policy statement. The NRC will consider the suggestions from this comment in developing the rules of etiquette document. No changes were made to the policy statement in response to this comment.

*MMulligan-1*

Why can't all public meetings be recorded and placed on your internet site? Then designate a contact person.

NRC Response

The NRC agrees with this comment in part. It may not be feasible to record all meetings. A Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. A statement that staff should ensure meetings are recorded or transcribed to the extent practicable and technical factors can be accommodated will be included in staff-level guidance. No changes to the policy statement were made in response to this comment.

MMulligan-2

I find talking on a phone bridge as having the greatest possibility to [be] treated most disrespectful. The NRC controller gets to cut you off the line on a whim. I got to say though, this doesn't happen often.

NRC Response

The NRC does not agree that bridgeline participants are treated with disrespect as compared to attendees, but is sensitive to logistical concerns associated with participating in a public meeting via teleconference. As stated in a previous comment response, the NRC will be developing staff-level guidance concerning best practices for teleconferencing and will address these concerns in that document. No changes to the policy statement were made in response to this comment.

DLochbaum-1

The NRC must include in its meeting notices references to information directly relevant to the topic of the meeting. This is not to suggest that NRC need develop material that does not already exist. But when pre-existing relevant information is readily available on the NRC's webpage and in ADAMS, meeting notices must reference it.

NRC Response

The NRC agrees with this comment. The NRC has added the highlighted text to the third paragraph of the "Notice and Access" section of the policy statement.

The NRC staff shall enter meeting details and materials such as an agenda, names of participants, and background documents into the NRC's Public Meeting Schedule Web Site. A link to the materials as well as the Agencywide Documents Access and Management System (ADAMS) accession number for additional meeting materials such as presentations shall, when possible, be provided in the meeting notice on the NRC's public Web site under the "Public Meetings & Involvement" page at <http://www.nrc.gov/public-involve.html>. The NRC staff shall ensure that available ADAMS documents related to the topic of the meeting are linked to the meeting notice as background documents to the extent practical.

DLochbaum-2

The NRC must use its existing email subscription service to distribute meeting notices to individuals with an expressed interest in an operating reactor and topic.

### NRC Response

The NRC agrees with this comment. The NRC has updated the policy statement to address posting public meeting notices to applicable NRC listservs, which are already organized by subject matter. The second paragraph under “Notice and Access” has been updated to include the highlighted text:

The NRC shall provide public notice of meetings through the NRC’s Public Meetings & Involvement Webpage at <http://www.nrc.gov/public-involve.html>. Meeting changes or cancellations will also be announced promptly on this Webpage. Individuals who cannot access the NRC’s public Web site can contact the NRC’s PDR staff via a toll-free number (1-800-397-4209) or by e-mail ([pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov)) for information on scheduled NRC meetings. Some meetings, specifically meetings with a high level of public interest, may also be noticed in the *Federal Register* or through other means such as a press release, blog post, or advertisement in local newspapers. Meetings that are required by law to be publicly noticed, in the *Federal Register* or otherwise, will also be properly noticed in advance. The NRC staff will ensure that public meeting notices are sent out to interested stakeholders using the mechanisms available, such as the applicable NRC listserv(s).

### DLochbaum-3

The NRC must explain in its meeting notices how a specific meeting fits into the bigger regulatory picture. As a minimum, next steps and any known deadlines must be stated.

### NRC Response

The NRC agrees with this comment, however a Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. This topic will be addressed in staff-level guidance and best practices. No changes to the policy statement were made in response to this comment.

### DLochbaum-4

The NRC must explain during every public meeting how, and when, questions and comments made by participants will be dispositioned.

### NRC Response



The NRC agrees with this comment, however, it is already addressed in the policy statement under B. Participation in NRC Public Meetings - Comment-Gathering Meeting:

The notice for such meetings should include details as to how comments will be taken at the meeting (e.g., NRC staff taking notes, or creating a transcript of the meeting) and how NRC will use the comments (e.g., to inform NRC discussions, or as official comments related to a formal NRC regulatory decision), as well as to clarify whether participants will need to also submit comments made at the meeting in writing to receive formal consideration.

No changes to the policy statement were made in response to this comment.

MLewis-1

[The NRC should refrain from] participants not speaking into the pickup clearly, ignoring stating name when participating, closing meeting within minutes of starting to the public.

NRC Response

The NRC agrees with this comment and the importance of these logistical concerns with meeting participation, however a Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. This topic will be addressed in staff-level guidance and best practices. No changes to the policy statement were made in response to this comment.

MLewis-2

Summarized comment: handouts should be made part of the record as soon as possible, preferably in advance of the meeting.

NRC Response

The NRC agrees with this comment, however, it is already addressed in the policy statement under C. Notice and Access:

The NRC staff shall enter meeting details and materials such as an agenda, names of participants, and background documents, into the NRC's Public Meeting Schedule Web Site. A link to the materials as well as the Agencywide Documents

Access and Management System (ADAMS) accession number for additional meeting materials such as presentations shall, when possible, be provided in the meeting notice on the NRC's public Web site under the "Public Meetings & Involvement" Web page at <http://www.nrc.gov/public-involve.html>. The NRC staff shall ensure that available ADAMS documents related to the topic of the meeting are linked to the meeting notice as background documents to the extent practical.

The NRC will reiterate this point in staff-level guidance and best practices. No changes to the policy statement were made in response to this comment.

#### MElie-1

The Indian Point Safe Energy Coalition requests more information on how members of the public would be selected for [observation] meetings and who will be invited to attend. It needs to be the broadest possible spectrum of stakeholders.

#### NRC Response

All members of the public are invited to attend an Observation Meeting. The primary participants of such a meeting with whom the NRC is predominantly engaging are dependent upon the purpose of the meeting. For example, the purpose of the meeting may be for the NRC to meet with a single licensee to discuss a specific issue at that licensee's facility. However, all members of the public could attend such a meeting and ask questions at designated portions; there is no "selection" process to attend such a meeting. No changes to the policy statement were made in response to this comment.

#### MElie-2

A least one month's notice is required for notification of [observation] meetings of this sort.

#### NRC Response

The NRC disagrees with this comment. The NRC policy is to post meeting notices a minimum of 10 days before a meeting. If at all possible, the NRC announces meetings earlier. The staff believes that the current policy of providing a minimum of 10 days notice before a public meeting provides the public with sufficient notice of upcoming public meetings without compromising the staff's ability to conduct public meetings on time-sensitive or emerging issues. No changes to the policy statement were made in response to this comment.

#### MElie-3

[Observation meetings] should be transcribed and the results posted on the NRC website easily accessible to all members of the public.

NRC Response

The NRC agrees with this comment in part. It may not be feasible to record all meetings; however, a statement that staff should ensure meetings are recorded and transcribed to the extent budgeted resources are available and technical factors can be accommodated will be included in staff-level guidance as a Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. No changes to the policy statement were made in response to this comment.

MElie-4

The agenda [for observation meetings] needs to be published when the notice for the meeting is sent out and needs to specifically state the issues to be covered.

NRC Response

The NRC agrees with this comment, however, it is already addressed in the policy statement under C. Notice and Access:

The NRC staff shall enter meeting details and materials such as an agenda, names of participants, and background documents, into the NRC's Public Meeting Schedule Web Site. A link to the materials as well as the Agencywide Documents Access and Management System (ADAMS) accession number for additional meeting materials such as presentations shall, when possible, be provided in the meeting notice on the NRC's public Web site under the "Public Meetings & Involvement" Web page at <http://www.nrc.gov/public-involve.html>. The NRC staff shall ensure that available ADAMS documents related to the topic of the meeting are linked to the meeting notice as background documents to the extent practical.

The Public Meeting Notification System includes the agenda in public meeting notices. No changes to the policy statement were made in response to this comment.

MElie-5

[For observation meetings] The public should be provided an opportunity to propose issues that need clarification by the NRC.

NRC Response

The NRC agrees with this comment. Members of the public always have the ability to speak with the NRC either before, during, or after the meeting about their concerns, including contacting the meeting lead prior to the meeting to let the NRC know of topics they would like to be addressed at a meeting. No changes to the policy statement were made in response to this comment.

MElie-6

All public meetings deserve a public record which should be made available on the NRC website promptly for all to see.

NRC Response

The NRC agrees with this comment in part. It may not be feasible to record all meetings, however, a statement that staff should ensure meetings are recorded and transcribed to the extent budgeted resources are available and technical factors can be accommodated will be included in staff-level guidance as a Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. No changes to the policy statement were made in response to this comment.

MElie-7

At least one month is required for proper notification of the public for [information] meetings of this type.

NRC Response

The NRC disagrees with this comment. The NRC policy is to post meeting notices a minimum of 10 days before a meeting. If at all possible, the NRC announces meetings earlier. The staff believes that the current policy of providing a minimum of 10 days notice before a public meeting provides the public with sufficient notice of upcoming public meetings without compromising the staff's ability to conduct public meetings on time-sensitive or emerging issues. No changes to the policy statement were made in response to this comment.

MElie-8

Having every voice heard at meetings of this type [information] is a thorny question. In the past the time allotted has proved to be insufficient. The last meeting of this type had an excellent format but not enough time for proper execution and there were many unhappy citizens who were left unable to be heard. Two evening [information] meetings may be necessary to accommodate all members of the working public.

NRC Response

The NRC agrees with this comment in part. The NRC attempts to allow sufficient time for all public meetings, however, in some cases the NRC is not able to accommodate the number of participants wanting to ask questions or make comments. In these circumstances, participants

may need to utilize alternative ways to interact with the NRC. The following statement has been added to the description for “Information Meeting with a Question and Answer Session:

**NRC staff will strive to ensure sufficient time for an Information Meeting with a Question and Answer Session** to ensure that attendees can pose their questions and have them answered during the meeting. Whether all questions are addressed or not, staff should emphasize ways that interested members of the public can ask questions outside the meeting.

Similar language has been added to the descriptions of all three categories of meeting.

#### MElie-9

Clearly delineating issues to be discussed [in information meetings] may be one way to help address this problem. Core group members of the Indian Point Safe Energy Coalition would be willing to meet with NRC representatives to further discuss format of this type of meeting.

#### NRC Response

The NRC agrees with this comment, however it is already addressed in the policy statement under C. Notice and Access:

The NRC shall provide public notice of meetings through the NRC’s Public Meetings & Involvement Web page at <http://www.nrc.gov/public-involve.html>. Meeting changes or cancellations will also be announced promptly on this Web page. Individuals who cannot access the NRC’s public Web site can contact the NRC’s PDR staff via a toll-free number (1-800-397-4209) or by e-mail ([pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov)) for information on scheduled NRC meetings. Some meetings, specifically meetings with a high level of public interest, may also be noticed in the *Federal Register* or through other means such as a press release, blog post, or advertisement in local newspapers. Meetings that are required by law to be publicly noticed, in the *Federal Register* or otherwise, will also be properly noticed in advance. The NRC staff shall ensure that public meeting notices are sent out to interested stakeholders using the mechanisms available, such as the applicable NRC listservs.

Public meeting announcements include the topic and agenda for each meeting. No changes to the policy statement were made in response to this comment.

MElie-10

The purpose of [comment gathering meetings] must be made very clear and comment limited to the rule making under discussion.

NRC Response

The NRC agrees with this comment, however there is no change to the policy statement required to address this comment. The staff will include a statement that questions and comments should pertain to the meeting purpose in the rules of etiquette for NRC public meetings.

MElie-11

The proposed rule and its implications must be published well in advance of the [comment gathering] meeting.

NRC Response

The NRC agrees with this comment, and the staff will strive to ensure that Comment Gathering meetings take place after a sufficient amount of time has passed since the publication of a proposed rule, to ensure meeting attendees have had enough time to read the rule and formulate questions or comments. No changes to the policy statement were made in response to this comment.

MElie-12

The presentation and all public feedback comments must be recorded [for comment gathering meetings] and the transcript posted on the NRC website promptly after the meeting.

NRC Response

The NRC agrees with this comment in part. It may not be feasible to record all meetings, however, a statement that staff should ensure meetings are recorded and transcribed to the extent budgeted resources are available and technical factors can be accommodated will be included in staff-level guidance as a Commission policy statement is meant to address high-level, fundamental topics, while staff-level guidance addresses how a policy statement will be implemented. No changes to the policy statement were made in response to this comment.