

JRC



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

March 9, 1993

OFFICE OF THE
COMMISSIONER

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: James R. Curtiss *James R. Curtiss*

SUBJECT: SECY-93-034 AGENCY POLICY CONCERNING PUBLIC
MEETINGS HELD BY THE STAFF

While I have long been an advocate of open public meetings and processes with regard to the agency's licensing and regulatory actions, I have several questions about the clarity, scope, and potential impacts of the detailed guidance that the staff proposes in SECY-93-034. Before I take a position on the proposed guidance, I would appreciate additional information on the following:

- 1) The proposed policy is an amplification upon, and expansion of, earlier policy pronouncements that directly addressed rights of parties and petitioners to licensing-related actions, and would now, by its terms, apply to "all members of the general public" and "all meetings" conducted by the NRC staff. The guidance appears to apply to materials-related matters as well as power reactor licensing, but there is no specific consideration of materials-related actions in the meeting examples or discussions in the proposed guidance. It also appears to apply to interactions with States and Agreement State matters. Is this expanded coverage intentional, and if so, are there any special considerations applicable to materials-related actions or to state interactions?
- 2) The American Mining Congress raised a number of concerns about the proposed policy in a letter to the Chairman dated February 4, 1993. The concerns raised should be addressed and the staff should indicate how the difficulties alluded to in that letter would be resolved under the proposed policy.
- 3) In view of the pending budget constraints, I would like an estimate of the budgetary impacts (dollars and FTE) that implementation of this public meeting and notice guidance will entail.

- 4) In order to preserve some flexibility for unanticipated events, I believe that the notice provisions should make it clear that the minimum 10-day notice can be waived (e.g., less than 10 days notice can be provided) when the circumstances or the needs of agency business so require. Would the staff object to modifications to the guidance that would provide such flexibility? Would the staff recommend some language in the proposed guidance that would provide such flexibility?

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OGC
SECY

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