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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510

JOHN M. DUNCAN, STAFF DIRECTOR
MARGARET P. CRENSHAW, MINORITY STAFF DIRECTOR

October 3, 1985

Mr. Herzel H.E. Plaine, General Counsel
Nuclear Regulatory Commission
1717 H. Street, N.W.
Washington, DC 20555

Dear Mr. Plaine:

As you may know, 5 U.S.C. 552b(j) requires that each agency subject to the requirements of the Government in the Sunshine Act, or open meetings law,

(s)hall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

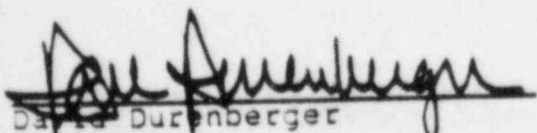
The Governmental Affairs Subcommittee on Intergovernmental Relations is responsible for reviewing agency compliance with the open meetings law. Accordingly, we are requesting copies of your annual report to Congress for 1983 and 1984.

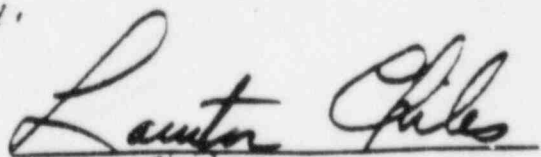
We request that your agency include in its reports the information listed in the attachment to this letter. Please include these items in all future reports on the Sunshine Act.

In addition, we would appreciate receiving your comments and general views regarding your experience in implementing the Sunshine Act. This information is helpful to us in our continuing oversight responsibilities.

We would appreciate your sending these reports before October 31, 1985.

Sincerely,


David Durenberger
Chairman
Subcommittee on
Intergovernmental Relations


Lawton Chiles
Ranking Minority Member
Subcommittee on
Intergovernmental Relations

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PDR COMMS NRCC
CORRESPONDENCES PDR

10/16...To OGC to Prepare Response for OGC's Signature....
Date due: Oct 24...Cpys to: RF, EDO, OCA to Ack...85-869
(Clear with Cmrs prior to dispatch)

ANNUAL REPORT

Government in the Sunshine Act

1. AGENCY NAME

2. CALENDAR YEAR. This is the year being reported, i.e., the report due in 1985 will be for calendar year 1984.

3. MEETINGS:

A. Total number of open meetings.....

B. Total number of closed meetings.....

C. Total number of partially closed meetings....

Total Number of Meetings.....

Indicate the total number of meetings in each of the three categories listed. The designation of a meeting as either "open" or "closed" is self-explanatory. The designation of a meeting as "partially closed" indicates that a portion of the meeting's agenda was open to the public and the remainder was closed. This designation counts as one "partially closed" meeting as long as any two of more consecutive sessions are held continuously without an announced recess period between them.

4. REASONS FOR CLOSING OR PARTIALLY CLOSING MEETINGS.

A. Indicate the number of times specific exemptions were cited alone or in combination with other exemptions, as the basis for closing meetings, as follows:

Exemption 1.....5

Exemption 4.....2

Exemption 6.....3

Exemption 10.....1

Total.....11

8. Explain the agency's policy regarding:

- (1) budget meetings;
- (2) meetings at which Congressional testimony is discussed;
- (3) briefings of agency members by staff (include a description of the extent to which records of such briefings are available to the public and what guidelines have been established by the agency to govern the conduct and use of staff briefings).

Include the number of times and under which exemptions such meetings were closed. The Subcommittee is concerned that some agencies are improperly closing such meetings.

5. DESCRIPTION OF LITIGATION. Describe any litigation brought against the agency under 5 USC Section 552b, including any costs assessed against the agency in such litigation (whether or not paid by the agency), and any settlements reached in any such legal action.

6. NOTATION VOTING. Describe the agency use of serial notation procedure (i.e. members vote sequentially on paper on the basis of circulated written materials).

Include a discussion of the availability to the public of: (1) a record of notational votes; (2) the circulated written materials which provide the basis for decisions reached by notation voting; and (3) any other methods employed by the agency to explain to the public the underlying reasoning of decisions reached in this manner.

7. PUBLIC OBSERVATION. Describe steps taken by the agency to provide meaningful public observation of its open meetings.

Include a discussion of: (1) what the agency does to ensure that the public attendees are able to understand the substance of the issues discussed at open meetings; (2) availability of staff papers, reports, and other background information; (3) specific procedures for making such background or working papers available to the public; (4) agency's policy with respect to use of cameras and recording devices by public observers at open meetings.

8. PUBLIC NOTICE. Describe the process and methods of notifying the public of agency meetings. Include: (1) public locations of meeting notices; (2) tabulation of the number of days notice given for all of the agency's meetings;

(3) number of times less than seven days notice has been given to the public; and (4) in those cases when less than seven days notice has been given, the number of days prior to the closed meeting when notice was issued.

9. PUBLIC INTEREST. Discuss in detail the procedure the agency has established for the consideration of the public interest during the agency's determination to open or close a meeting.
10. RELEASE OF TRANSCRIPTS, RECORDINGS, AND MINUTES OF CLOSED MEETINGS. Describe the agency's procedure for determining whether transcripts, recordings, or minutes may be withheld from the public.

Include a discussion of the procedures which the agency uses: (1) to review periodically the continued application of an exemption to transcripts, recordings, and minutes; and (2) to make available to the public transcripts, recordings, and minutes.

Provide a copy of any index system prepared by the agency to assist the public in obtaining and using transcripts, recordings, and minutes of closed meetings. Describe the factors that are indexed (e.g. status of transcript, date of meeting, subject matter).

If the agency maintains transcripts, recordings, or minutes of its open meetings, describe the indexing system, if any, utilized.

Include a tabulation of the total number of requests the agency has received for transcripts or for the opportunity to listen to recordings of closed meetings and the number of requests granted and denied. Describe the kind of review procedures a request is given, including by whom, and how long it takes the agency to respond to requests and to complete such review.

11. REQUESTS TO OPEN. Describe the agency procedure for an individual to request that an agency meeting be open. Include any procedures for agency reconsideration of a prior decision to close a meeting.
12. FORMAL COMPLAINTS. Describe the substantive complaints the agency has received on its Sunshine procedures and practices. Include a discussion of the agency's disposition of each such complaint.
13. EX PARTE COMMUNICATIONS. Provide a copy of agency guidance supplied to members and staff regarding ex parte communications.