

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 3.5	ATTENDANCE AT NRC STAFF-SPONSORED MEETINGS	DT-21-09
<i>Volume 3,</i>	Information Management	
<i>Part 1:</i>	Publications, Mail, and Information Disclosure	
<i>Approved By:</i>	Margaret M. Doane, Executive Director for Operations	
<i>Date Approved:</i>	July 26, 2021	
<i>Cert. Date:</i>	N/A, for the latest version of any NRC directive or handbook, see the online MD Catalog	
<i>Issuing Office:</i>	Office of the Executive Director for Operations	
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EXECUTIVE SUMMARY		
Management Directive 3.5, "Attendance at NRC Staff-Sponsored Meetings," is revised to incorporate changes to the "Enhancing Public Participation in NRC Meetings" policy statement published March 19, 2019, and to remove specificity in the handbook.		

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For updates or revisions to policies contained in this MD that were published after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

I. POLICY

To support the Commission's intent to keep the public informed of agency activities and provide opportunities for public involvement, it is U.S. Nuclear Regulatory Commission (NRC) policy that certain meetings between the staff of the NRC and external stakeholders be open to attendance by all members of the public, as reflected in Section I of Handbook 3.5. It is also NRC policy that notices and summaries of certain meetings that are not open to attendance by members of the public be publicly available.

II. OBJECTIVES

- Ensure that members of the public can learn about the agency's regulatory process through attendance at, participation in, and/or knowledge of the agency's meetings with applicants, licensees, and others.
- Ensure that notices are published for all public meetings a timely manner and inform interested stakeholders about NRC meetings.
- Balance the NRC's objective of openness and the public's interest in attending or participating in NRC meetings against the need for NRC staff to exercise its regulatory and safety responsibilities without undue administrative burden, and the need to protect classified, safeguards, and sensitive information.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Commission

Establishes policy regarding public participation at meetings conducted by NRC staff.

B. Executive Director for Operations (EDO)

Ensures that policy is implemented regarding public participation at meetings sponsored and conducted by NRC staff.

C. Director, Office of Public Affairs (OPA)

1. Ensures that OPA staff consults with the regional administrator or the office director in certain, significant cases of high public interest to determine whether it is appropriate to allow public attendance or to hold a separate public meeting to discuss the results of an inspection or a review.
2. Issues a press release for meetings of high public interest.

D. Director, Office of Small Business and Civil Rights (SBCR)

1. Provides an effective process for the receipt and prompt, fair, and impartial processing and disposition of discrimination complaints regarding access to NRC staff-sponsored meetings, as protected by applicable Federal civil rights statutes, Executive Orders, and NRC regulations.
2. Ensures that staff are given advice and guidance on accommodating individuals with disabilities and individuals with limited English proficiency to permit participation in NRC staff-sponsored meetings.
3. Ensures that SBCR staff assists offices in their efforts to provide accessibility to facilities, equipment, activities; appropriate auxiliary aids; effective communications; and reasonable accommodations involving NRC staff-sponsored meetings.

E. Chief Information Officer (CIO), Office of the Chief Information Officer (OCIO)

Develops and administers a program for receiving and disseminating information on public meetings through the Public Meeting Notice System.

F. Office Directors and Regional Administrators

1. Ensure that the staff implements the procedures and guidance in Handbook 3.5 for public and non-public meetings.
2. Implement the policy for receiving and disseminating public meeting notices that is referenced in this MD.
3. Inform the EDO or Deputy Executive Directors about the need for, or make recommendations about, public meetings when significant NRC activities are at the planning stage.
4. Ensure that notices of staff meetings open to the public are posted on the Public Meeting Schedule on the NRC's external Web site no less than 10 calendar days in advance of the meeting date.

IV. APPLICABILITY

- A.** The policy and guidance in this MD apply to all NRC employees except the Commission or offices that report directly to the Commission.
- B.** This MD does not apply to or supersede any existing law, rule, or regulation that addresses public attendance at a specific type of meeting.

V. DIRECTIVE HANDBOOK

Handbook 3.5—

- A. Defines types of agency meetings that should be open to the public for participation with examples of both open and closed meetings.
- B. Describes how the public may learn when agency open meetings are being held.
- C. Provides procedures and guidance for planning, scheduling, noticing, announcing, and documenting public and non-public meetings.

VI. REFERENCES

Code of Federal Regulations

10 CFR Part 2, “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders.”

10 CFR 2.390, “Public Inspections, Exemptions, Requests for Withholding.”

10 CFR Part 7, “Advisory Committees.”

10 CFR Part 9, “Public Records.”

10 CFR 73.21, “Protection of Safeguards Information: Performance Requirements.”

Federal Register Notice

“Enhancing Public Participation in NRC Meetings; Policy Statement” (March 19, 2021, 84 FR 14964).

Nuclear Regulatory Commission Documents

Allegations Manual: <https://drupal.nrc.gov/content/allegation-manual>.

Guidance for Determining the Public Availability of NRC Records, at <https://drupal.nrc.gov/sites/default/files/guidance-for-determining-the-public-availability-of-nrc-records.pdf>.

NRC Public Meeting Policy Web Site, at <https://drupal.nrc.gov/comm/32561>.

NRC Conducting a Public Meeting: Checklist, at <https://drupal.nrc.gov/oedo/58021>.

NRC Management Directives—

3.4, “Release of Information to the Public.”

8.3, “NRC Incident Investigation Program.”

8.8, "Management of Allegations."

8.11, "Review Process for 10 CFR 2.206 Petitions."

12.2, "NRC Classified Information Security Program."

12.6, "NRC Sensitive Unclassified Information Security Program."

12.7, "NRC Safeguards Information Security Program."

NRC Management Directives Web Site:

<https://drupal.nrc.gov/policy/directives/toc>.

NRC Public Meeting Feedback System, available at

<https://feedbackint.nrc.gov/pmfs/security/login>.

NRC Public Meeting Schedule Web site:

<https://www.nrc.gov/pmns/mtg>.

NUREG/BR-0273, "ADAMS Desk Reference Guide," available at

<http://www.internal.nrc.gov/NRC/NUREGS/BR0273/br0273R4.pdf>.

Sensitive Unclassified Non-Safeguards Information (SUNSI) Handling Requirements,
available at <https://drupal.nrc.gov/sunsi>.

United States Code

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), Section 147.

Federal Advisory Committee Act, as amended (5 U.S.C., Appendix II).

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I. CHARACTERISTICS OF STAFF-SPONSORED MEETINGS

A. Definition of an NRC Staff-Sponsored Meeting

1. A U.S. Nuclear Regulatory Commission (NRC) staff-sponsored meeting is a planned, formal interaction¹ between one or more NRC staff members and one or more external stakeholders with the expressed intent of discussing substantive issues that are directly associated with the NRC's regulatory and safety responsibilities. For the purposes of this handbook, staff should consider the terms “staff-sponsored meetings” and “staff-conducted meetings” to be interchangeable.
2. There are many occasions when NRC staff may come into contact with a licensee, vendor, or applicant in an informal setting. These may include, but are not limited to, discussions by telephone or e-mail during meals or breaks at meetings, conferences or workshops, chance meetings during site or headquarters visits or while traveling. During these contacts, conversations should be limited to generic issues, publicly available NRC policies and decisions, or topics related to the situation. With respect to licensing activities under review, discussion about solely administrative details (e.g., regulatory processes, scheduler information) is acceptable and need not be considered a formal interaction within the meaning of this handbook.
3. In general, discussing technical details of any items under review that may influence regulatory decision-making is not appropriate. During these interactions, licensees, vendors and/or applicants should be informed that a planned, formal interaction through public meeting or conference call should be scheduled to continue discussions in these areas. Examples of common exceptions to this general rule are described in Section II.C of this handbook.

¹ For the purpose of this MD, modes of interaction may include, but are not limited to, face-to-face; telephone, including teleconference; videoconference; webinar; and Webcast.

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4. An external stakeholder is any individual who is not—
 - (a) An NRC employee;
 - (b) Under contract to the NRC;
 - (c) Acting as an official consultant to the NRC;
 - (d) Acting as an official representative of an agency of the executive, legislative, or judicial branch of the U.S. Government² (except when the agency is subject to NRC regulatory oversight);
 - (e) Acting as an official representative of a foreign government or representing an international organization such as the International Atomic Energy Agency; or
 - (f) Acting as an official representative of a State or local government or tribal official (except when specific NRC licensing or regulatory matters are discussed).

B. Scope of this Management Directive

1. This management directive (MD) applies solely to NRC staff-sponsored and staff-conducted meetings and not to meetings conducted by outside entities in which NRC staff members might participate or attend as observers. However, staff should consider whether it is appropriate to participate in a non-public meeting that includes discussion of substantive issues that are directly associated with the NRC's regulatory and safety responsibilities.
2. This MD does not apply to Commission meetings, advisory committee meetings, or to meetings sponsored by offices that report directly to the Commission. It does not apply to meetings between NRC staff and representatives of State government relating to NRC Agreement State activities or to other State regulatory actions of general interest; that is, matters other than specific NRC licensing or regulatory actions involving specific licensees. Also, this MD is not intended to apply to or to supersede any existing law, rule, or regulation that addresses public attendance at a specific type of meeting. For example, 10 CFR Part 7, "Advisory Committees," and 10 CFR Part 9, "Public Records," will continue to be applicable to advisory committee meetings and Commission meetings, respectively.
3. This MD does not cover the "hearings" associated with adjudicatory proceedings under the Commission's Rules of Practice specified in 10 CFR Part 2. The term "hearings" relates primarily to Commission adjudicatory proceedings on various types of licenses and licensing actions (e.g., initial issuance of a license, amendment of an existing license, renewal of a license) or to enforcement actions involving the imposition of civil penalties or orders to modify, suspend, or revoke a license or take other appropriate action. This MD also does not cover meetings concerning the

² For instance, public access is provided to meetings between NRC staff and Department of Energy (DOE) staff during the prelicensing period with respect to DOE's submission of an application to construct and operate a geologic repository.

settlement of adjudicatory proceedings or enforcement matters. Specific requirements regarding participation in and the conduct of such hearings are provided in the Commission's Rules of Practice set out in 10 CFR Part 2.

C. Public (Open) Meetings

The term "public (open) meeting" traditionally is associated with the Commission's efforts to provide information to the public and to seek public views on various generic and site-specific issues. These staff-sponsored meetings should be open to people with an interest in the subject matter and a willingness to follow the ground rules established for the conduct of the meeting. The NRC's public meeting policy (Enhancing Public Participation in NRC Meetings; Policy Statement: March 19, 2021, 84 FR 14964) applies solely to NRC staff-sponsored meetings and not to meetings conducted by outside entities in which NRC staff members might participate or attend as observers. This policy statement sets forth different categories of NRC public meetings. Under the policy, the public is notified of the category of the meeting, and the expected level of participation, on the NRC's Public Meeting Schedule, which is accessible from <http://www.nrc.gov>. Descriptions of the meeting categories will appear later in this handbook.

D. Public Participation in NRC Meetings

1. The NRC has a long history of providing the public with information about its activities and of conducting business in an open manner. NRC staff has held meetings with members of the public on a variety of issues, often in response to expressions of high public interest. These meetings can enhance the public's confidence in the NRC and help clarify concerns before any decisions are made. Both the NRC and the public will benefit if the need for meetings with the public is considered early in the process.
2. To strengthen the NRC's communication with the public, the agency has specified three categories of public meetings and has developed criteria for the level of public participation, information availability, and followup effort associated with each meeting category. The staff will consider the extent of known public interest in the meeting or activity and the objective of the meeting as far as public involvement is concerned when assigning a meeting to an appropriate category. The description, purpose, and levels of public participation for each category of meeting are described below. Note that portions of "Observation" public meetings may be closed to the public.
3. Observation Meeting
 - (a) Description. Meetings in this category include the NRC meeting with one or more industry groups, licensees, vendors, applicants, potential applicants, or non-government organizations, to discuss regulatory issues regarding a specific facility (or facilities), certificates of compliance, licenses, or license applications. This category of meeting could also include the NRC meeting with

representatives of task force groups, industry groups, or public interest and citizen groups. The primary discussions are expected to occur between the NRC and representatives of those entities or groups.

- (b) Meeting Purpose. The purpose of this type of meeting is for the NRC to meet with representatives from one or more groups in an open and transparent manner to discuss regulatory and technical matters. The meeting will inform the public by providing information to help them understand the applicable regulatory issues and NRC actions.
- (c) Examples. Meetings of this category may include meetings with licensees (or applicants) to discuss license renewal, amendment or exemption requests; meetings with applicants related to topical report reviews, combined licenses, early site permits, or design certifications; annual public meetings to discuss plant performance as part of the Reactor Oversight Process; renewals, or amendments. Certain inspection exit meetings, such as those for Incident Investigation Teams or Augmented Inspection Teams, are included under this category.
- (d) Level of Public Participation. Attendees other than those 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 the licensee or other parties from responding to questions if they choose to do so. The NRC staff should strive to ensure sufficient time is allotted for an Observation Meeting to ensure that members of the public can pose questions and have them answered during the meeting. Whether all questions are addressed or not, the NRC staff should emphasize ways members of the public can ask questions outside the meeting.
 - (i) For meetings longer than 2 hours, one or more opportunities may be provided for the public to ask questions before the end of the meeting, if practicable.
 - (ii) Meetings that the staff believes will generate high public interest should also provide more than one opportunity for public comments and questions. The decision on whether to change the category of any particular meeting is a matter left to the discretion of the staff on a case-by-case basis.
- (e) Types of Information. At a minimum, an agenda or a list of items to be discussed will be entered into the Agencywide Documents Access and Management System (ADAMS) following the instructions in ADAMS Template Number NRC-001, Meeting Related Documents for NRC Staff Level Offices. Any background or primary documents needed to support the meeting should be referenced in the meeting notice using an ADAMS accession number or Web link.
- (f) Followup. No formal followup will be provided beyond the normal period for questions. Informal followup (telephone or e-mail) may be appropriate for certain questions that cannot be answered at the meeting. Members of the public also

have the option of writing or e-mailing the staff about particular concerns. These concerns will be considered by the staff if permitted by the appropriate regulatory framework. Feedback forms are provided at this type of meeting so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate. Meeting summaries and participant lists will be entered into ADAMS and made publicly available following the instructions in ADAMS Template Number NRC-001.

2. Information Meeting with a Question and Answer Session

- (a) Description. Meetings in this category are held with interested parties, including representatives of non-government organizations, private citizens, or various businesses or industries, to engage them in a discussion of regulatory issues.
- (b) Meeting Purpose. The purpose of this type of meeting is for the NRC to share information and discuss applicable regulatory issues and NRC actions with meeting attendees. The meeting will inform the public by providing information to help them understand the applicable regulatory issues and NRC actions through NRC presentations and discussions with NRC staff. These are organized, yet informal opportunities to interact with and ask questions of the NRC staff not associated with a more traditional public meeting format.
- (c) Examples. Meetings of this category may include town hall and roundtable discussions, and open house meetings.
- (d) Level of Public Participation. This type of meeting is tailored to inform attendees and allow them to ask questions. The NRC staff should strive to ensure sufficient time is allotted for an Information Meeting with a Question and Answer Session to ensure that members of the public can pose their questions and have them answered during the meeting. Whether all questions are addressed or not, the NRC should emphasize ways members of the public can ask questions outside the meeting.
- (e) Types of Information. An agenda, names of participants, and when available, background documents will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001. A Web page with links to other appropriate background information will be made available at the NRC's discretion. Any link to a Web page will be posted on the public Web site.
- (f) Followup. Staff will provide answers to questions, as appropriate, during the meeting. Questions that cannot be answered at the meeting will be assigned to a designated staff person as an action item. Meeting summaries or any transcripts and participant lists will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001 and on the Web, if a Web site is established. Feedback forms will be provided so that comments can be reviewed and offices can track any planned improvements or resulting actions in their operating plans, as appropriate.

4. Comment-Gathering

- (a) Description. This type of meeting would be held with a broad range of interested parties, including representatives of non-government organizations, private citizens, or various businesses or industries, to fully engage them in a discussion of a specific regulatory issue.
- (b) Meeting Purpose. The purpose of this type of meeting is for the NRC to obtain feedback on regulatory issues and NRC actions. In most cases, the meeting will include a presentation by the NRC to explain the regulatory issue or action. The feedback received at these meetings is used to support actions such as licensing and rulemaking activities.
- (c) Examples. Meetings of this category may include town hall and roundtable discussions, environmental impact statement scoping meetings, and workshops.
- (d) Level of Public Participation. This type of meeting is focused on allowing attendees to provide opinions, perspectives, and feedback. The NRC staff should strive to ensure sufficient time is allotted for a Comment-Gathering Meeting to ensure that members of the public can pose questions and have them answered during the meeting.
- (e) Types of Information. An agenda, names of participants, and background documents will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001. In addition, a Web page will be created on which all relevant documents for the meeting will be posted. The ADAMS accession number and a link to the required Web page will be posted to the NRC external public Web site.
- (f) Followup. Staff will provide answers to questions, as appropriate, during the meeting. Questions that cannot be answered at the meeting will be assigned to a designated staff person as an action item. Meeting summaries or any transcripts and participant lists will be entered into ADAMS following the instructions in ADAMS Template Number NRC-001 and on the Web. Feedback forms are provided at this level of meeting.

E. Non-Public (Closed) Meetings

- 1. The term “non-public (closed) meeting” is traditionally associated with the discussion of safeguards, proprietary, or other sensitive information. These staff-sponsored meetings are closed to the public due to the nature of the meeting.
- 2. In general, meetings between NRC staff and outside persons will be public meetings unless the staff determines that the subject matter to be discussed—
 - (a) Is specifically authorized by an Executive Order to be kept secret in the interests of national defense or foreign policy (classified information) or specifically exempted from public disclosure by statute;

- (b) Contains trade secrets and commercial or financial information (proprietary information);
- (c) Contains safeguards information;
- (d) Is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (e) Is related to a planned, ongoing, or completed investigation or contains information for law enforcement purposes;
- (f) Could result in the inappropriate disclosure and dissemination of preliminary, unverified information;
- (g) Is a general information exchange having no direct, substantive connection to a specific NRC regulatory decision or action;
- (h) Indicates that the administrative burden associated with public attendance at the meeting could interfere with NRC staff's execution of its safety and regulatory responsibilities, such as when the meeting is an integral part of the execution of the NRC inspection program.

II. EXAMPLES AND SCENARIOS OF STAFF-SPONSORED MEETINGS

The following examples and scenarios of staff-sponsored meetings that are typically open or typically closed to public attendance are not intended to be all-inclusive but rather to establish a thought process that can be used to make decisions on any meeting scenario. Staff should refer to "Public Participation in NRC Meetings" (see Section I.D of this handbook) when categorizing any of the following examples or scenarios of open meetings. Guidance also is given on when the staff should initiate meetings with the public. Whether these meetings are open or closed depends on the subject matter and the nature of the information to be discussed at the meeting.

A. Initiating Meetings Between NRC Staff and the Public

1. Each office director and regional administrator should be cognizant that, under appropriate circumstances, meetings with the public should be initiated. Recommendations regarding holding meetings with the public should be made, as appropriate, to the Executive Director for Operations (EDO) or a Deputy Executive Director when significant NRC activities are at the planning stage.
2. Meetings with the public should be considered under the following circumstances:
 - (a) Strong Public or Media Interest

Through correspondence, news stories, or other means of communication, including the number or nature of comments in response to a notice on a proposed action, members of the public have expressed significant interest in a particular action being reviewed by NRC staff.

(b) Local Community Group Interest

A local community group has expressed interest in current or past NRC actions involving a facility. Indications of interest include letters to the agency, comments made at past hearings on a facility, and comments related to 10 CFR 2.206 petitions. (Guidance related to conduct of informal public hearings regarding a 2.206 petition currently being reviewed by NRC staff can be found in Handbook 8.11, "Review Process for 10 CFR 2.206 Petitions.")

(c) Government Official Interest

A Member of Congress or official of State or local government has expressed interest on behalf of their constituents and has requested a meeting or other public outreach effort.

(d) Previous Public Interest

Earlier public interest was expressed at the subject facility or at other facilities on similar issues involved in making a licensing determination, such as license renewal or a decommissioning decision.

(e) Safety Significance

Significant public interest may be anticipated for issues involving safety, such as the aftermath of a significant plant event.

(f) Anticipated Interest in Significant NRC Activity

The NRC expects a significant NRC activity or a pending decision, such as the entrance or exit meeting of a major team inspection, approval of the restart of a facility, or issuance of an order, to generate significant public interest and response.

B. Meetings Typically Open to the Public

The following examples of meetings between the staff and licensees, applicants, industry representatives, intervenors, or petitioners are typically open to the public for participation.

1. Staff Meeting with Licensee or Applicant Relating to Licensing Issues

A meeting conducted by the NRC technical staff with applicants or licensees as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to the public.

2. Staff Meeting with Party or Petitioner with Leave to Intervene in a Case

A meeting conducted between the NRC technical staff and party or petitioner with leave to intervene in a case regarding the staff's review of the licensing action will be open to all other parties involved with the hearing. The staff should consult with the Office of the General Counsel before planning such a meeting.

3. Headquarters and Regional Staff Working-Level Meeting with Applicant and Licensee

Representatives of a licensee or applicant may request the opportunity to hold a “working-level” meeting with NRC headquarters or regional staff to provide the staff with additional technical information related to a proposal the staff is reviewing. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action, this meeting should be a public meeting.

4. Staff Meeting with Licensee or Other Entity Relating to Potential Enforcement Actions

The NRC conduct planned, formal enforcement-related meeting, such as Regulatory Conferences and Pre-Decisional Enforcement Conference, with a licensee, contractor, applicant, or individual, for the purposes of obtaining additional information to allow the NRC to make subsequent significance determination and enforcement decisions. These meetings are typically open to public observation unless the subject matter to be discussed (e.g., safeguards, classified, related to the Office of Investigation) precludes such designation.

5. Facility Shutdown and Restart Meeting

NRC staff has issued an order shutting down a nuclear power plant because of potential safety concerns. Representatives of the licensee request a meeting with NRC staff to discuss the actions that have been taken to address the staff's concerns, as well as to discuss possible restart of the facility. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action (proposed restart of the facility), this meeting should be a public meeting. In this case, it may be necessary to obtain alternate meeting space away from the site to support public attendance.

6. Incident Investigation, Augmented, and High-Interest Special Inspection Team Exit Meeting

In reaction to an event at a nuclear power plant, the NRC establishes an Incident Investigation Team (IIT) or an Augmented Inspection Team (AIT) to thoroughly evaluate the situation at the site, in accordance with MD 8.3, “NRC Incident Investigation Program.” Upon completion of the evaluation, an exit meeting is held with the licensee to discuss the team's findings. The exit meetings for IITs and AITs normally will be open to the public unless the EDO (in the case of an IIT) or the appropriate regional administrator (in the case of an AIT), in consultation with the Director of the Office of Public Affairs, decides the criteria contained in this guidance indicate it is appropriate to have a closed meeting. Alternatively, in connection with AIT public meetings or IIT public meetings, the EDO or the regional administrator may decide it is appropriate to hold a separate public meeting and/or a press conference instead of the public exit meeting with the licensee. For those inspection team exit meetings that have high public interest, it may be appropriate to have an open exit meeting.

7. Technical Exchanges Between the NRC and Industry Working Groups

The NRC holds meetings with representatives of vendors (e.g., nuclear steam supply system) for design certification under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," as well as meetings with industry working groups or representatives to solicit industry perspectives on initiatives for plant safety. These meetings may include topics such as fire protection, operating licensing, new reactor design, and technical discussions with industry owners groups. Other examples may include meetings with the Nuclear Energy Institute (NEI) to discuss the proposed staff position set forth in a draft generic letter. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action (development and adoption of a proposed staff position), this meeting should be a public meeting.

8. Meetings Regarding Review of Licensee Performance

NRC staff holds periodic meetings with licensees to review and discuss recent licensee performance, as well as licensee initiatives and safety enhancements. Because the discussions that would take place at this meeting could directly affect an NRC regulatory decision or action, or could be of interest to members of the public, this meeting should be a public meeting.

C. Meetings Typically Closed to the Public

Meetings or portions of meetings where classified information, safeguards information, preliminary information, or other sensitive information is discussed are closed to the public. The following meetings are examples of meetings between NRC staff and licensees, contractors, or others, which may be closed to the public because of the subject matter or the nature of the information being discussed at the meeting.³

1. Staff Meeting with Licensees or Applicants Relating to Potential Enforcement Actions Involving Safeguards or Sensitive Information

The NRC conducts a formal, enforcement-related meetings such as a Regulatory Conference and Pre-Decisional Enforcement Conference with a licensee, contractor, applicant, or individual, to obtain additional information to allow the NRC to make a subsequent significance determination and enforcement decisions. These meetings are typically open to the public. However, a Regulatory Conference and Pre-Decisional Enforcement Conference that discusses safeguards or classified

³ NRC employees are allowed to attend closed meetings that are sponsored by vendors, applicants, or licensees. However, those meetings should be limited to a general exchange of releasable information that is or will be made publicly available, and no direct, substantive connection to a specific NRC regulatory decision, contract requirement, or action should be made, nor should any predecisional information on a pending NRC matter be revealed. NRC employees should not accept meals or other gifts from these sources, unless allowed under the standards of conduct, nor should they appear to endorse the views, services, or products of the vendors, applicants, or licensees. During these meetings, NRC employees should not make any commitments or promises, nor should they sign any agreements, including confidentiality agreements, with any of the vendors, applicants, or licensees.

information, information related to an investigation of potential wrongdoing, or is held with an individual, is closed to the public.

2. “Drop-In” Meeting or Similar Management Meeting

Senior executives of a licensee, applicant, or a potential applicant request the opportunity to conduct a “drop-in” visit or similar management meeting with the EDO, with other senior managers at agency headquarters, or with senior managers of the region in which their facility is located. Because this type of visit or meeting is usually limited to a general exchange of information not directly related to any regulatory action or decision, it would not typically be a public meeting.

3. Staff Meeting with a Vendor for a Nuclear Steam Supply System (NSSS) About a Schedule for Application Submissions

Several NRC staff members wish to meet with an NSSS vendor at the vendor's office to discuss the vendor's application for design certification under 10 CFR Part 52. NRC staff wishes to discuss the time frame and schedule for submission of certain portions of the application, as well as the impact the vendor's failure to meet these deadlines would have on NRC staff's review of the application. NRC staff does not wish to discuss any technical or safety issues associated with the application. Because the discussion is not an information exchange related to any substantive issues associated with the NRC's regulatory and safety responsibilities, this meeting would not be a public meeting.

4. Staff Meeting with an Allegor

Any meeting by an NRC staff member with an allegor, whether requested by the allegor or by the NRC, is closed to the public for the purpose of protecting the identity of the allegor. Protecting the identities of allegors is a fundamental tenet of the management of allegations as described in MD 8.8, “Management of Allegations.” Protecting allegor identity when concerns are raised during an NRC public meeting, although more difficult, is still expected to the extent possible. Guidance on handling such situations is provided in the agency's [Allegation Manual](#).

5. Inspector Meeting, Exit Meeting, and NRC Management Visit to a Licensee Facility

NRC inspection staff and management hold meetings with facility personnel as part of its routine inspection oversight responsibilities. In addition, NRC staff and management from regional and headquarters offices visit a facility for various purposes, including but not limited to tours to enhance familiarity with the facility or operational events, discussion of plant issues and informal assessments of licensee performance, and monitoring or assessing the performance of NRC subordinates. This meeting would not be public because doing so would create an unnecessary

administrative burden and impede the efficient execution of the NRC's safety and regulatory responsibilities.⁴

6. Fitness-for-Duty Meeting

NRC staff wishes to meet with nuclear power plant licensee representatives to discuss preliminary information regarding the fitness for duty of a specific licensed reactor operator. This meeting would not be a public meeting because public discussion of the licensed individual could be an invasion of personal privacy.

7. Staff Review Visit to Licensee Corporate and Plant Facility

A reviewer from the Office of Nuclear Reactor Regulation (NRR) is visiting the licensee's corporate office to examine design calculations before writing the safety evaluation report. As a followup, the reviewer visits the site the following week to review the in-plant design implementation. Because the timing of the exit meeting is fluid, based on licensee activities and/or sufficient development by the NRC of any NRC findings, opening the meeting to the public would constitute an undue administrative burden.

8. Project Manager and Regional Staff Meeting with the Licensee Following System Modification Problems

A licensee performed a modification on its unit's rod control system, which was not reviewed nor required to be reviewed by NRC staff. During post-modification testing, some problems were encountered. NRC inspection staff learns of problems with both the hardware and the test procedure and discusses the concerns with NRC management. The NRR project manager and regional management decide they need to meet with licensee management to discuss the NRC's concerns regarding problems with the modification and testing. This meeting need not be open to the public because the NRC's concerns are based on preliminary, unverified information.

9. Regional Management Meeting with the Licensee Regarding Preliminary Calculations

During a design basis reconstitution effort, a licensee determines through preliminary calculations that in the past its service water system (ultimate heat sink) may not have been able to provide design basis flow to all heat loads under accident conditions. The licensee verbally informs the NRC of the potential past problem. Current test results demonstrate that the system is operable. The computer modeling required to determine if the system had, in the past, been inoperable is complex and will take 1 month to complete. Regional management and technical experts meet with the licensee to better understand the problem, its consequences, and the ongoing evaluation. This meeting is not open to the public because it could result in the release of preliminary, unverified information.

⁴ In certain significant cases of high public interest, the regional administrator or the office director, in consultation with the Director of the Office of Public Affairs, may decide it is appropriate to allow public attendance or to have a separate public meeting to discuss the results of the inspection or review.

10. Discussion with the Licensee for Emergent Technical Issues

An emergent technical issue at the site may necessitate an impromptu or urgent discussion with regional or headquarters management, for the purposes of determining the appropriate compensatory measures, the need for a Notice of Enforcement Discretion, or to promote a mutual understanding of the licensee response. This meeting is not open to the public because it could result in the release of preliminary, unverified information.

11. Post-Investigation Alternative Dispute Resolution (ADR) Meeting

As part of the NRC's enforcement process, the NRC may hold an ADR meeting with a licensee, licensee contractor, or individual to reach resolution on an enforcement matter. Similar to the factors designating a meeting as closed described in Section II.C.1 of this handbook and because the ADR process is confidential and the subject matter discussed is related to an investigation conducted by the NRC's Office of Investigations, this meeting is not open to the public.

12. Clarification of Requests for Additional Information (RAI)

Often, there is a need to clarify the staff's RAI questions to ensure that the licensee or applicant understands what information the staff is requesting and how it ties to the regulatory requirements. Opening the discussion to the public would create an unnecessary administrative burden and impede the efficient execution of the NRC's safety and regulatory responsibilities. However, if discussions go beyond clarifying RAI (i.e., ensuring that the applicant/licensee understands the request) the staff should inform the applicant/licensee that a formal interaction should be scheduled to continue the discussion.

13. NRC Staff Inspections and Audits

The NRC conducts inspections and audits of licensees, applicants, vendors, contractors, and other entities as part of its regulatory oversight responsibilities. These meetings are not open to the public because they could result in the release of preliminary, pre-decisional, or unverified information, and would also create an unnecessary administrative burden and impede the efficient execution of the NRC's safety and regulatory responsibilities.

III. SCHEDULING AND ANNOUNCING MEETINGS

A. Scheduling a Meeting

1. Define the purpose and subject of the meeting.
2. Identify whether any classified, proprietary, or protected information will be discussed.
 - (a) Whenever such information is scheduled to be discussed during a meeting, that portion of the meeting must be closed to the public. This requirement must be noted on the meeting notice and reiterated again at the beginning of the meeting.

Staff should inform attendees that when proprietary information is being discussed, the owner of such information determines who may have access to it. Consequently, the agency has to comply with that owner's determination regarding access, which may result in certain members of the public being precluded from attending the closed portion of the meeting.

- (b) For guidance on sensitive or classified information, the staff should refer to the Reference section of this MD.
- 3. Determine whether a participation specialist, such as a facilitator from the NRC In-House Meeting Facilitator and Advisor Program, is needed to assist with planning and conducting the meeting. Information on contacting the Program Manager of the NRC In-House Meeting Facilitator and Advisor Program can be found on the Office of the Executive Director for Operations internal homepage. If you believe you may need the services of a facilitator, take steps to start working with one as early as you can in the scheduling process.
- 4. Identify meeting participants (internal and external).
 - (a) Identify NRC offices/regions whose staff will participate as speakers, facilitators, etc.
 - (b) Include stakeholders with an interest in the meeting subject.
 - (c) Include known, local interest groups.
 - (d) Include Federal, State, local, or Tribal government representatives with an interest in the meeting subject
- 5. Select a meeting date and time.
- 6. Select a meeting location. Refer to the "Checklist" available through the NRC's internal "Public Meeting Policy" Web page for guidance on reserving a room, <https://drupal.nrc.gov/oedo/58021>.
- 7. Identify the meeting category if the meeting is open to public attendance. Refer to Section I.D of this handbook for the description, purpose, and levels of public participation for each meeting category.
- 8. If the meeting is closed, provide the basis for the closure (i.e., "This meeting will be CLOSED to members of the public because it involves discussion of apparent security-related violations.").
- 9. Prepare a meeting agenda.
- 10. Make special arrangements (if needed). Instructions for scheduling the following arrangements can be found at "Checklist," available through the NRC's internal "Public Meeting Policy" Web page, <https://drupal.nrc.gov/oedo/58021>:

- (a) Participation technologies (e.g., audio teleconferencing, video teleconferencing, Webinar, Webcast),
- (b) Court reporter, and
- (c) Arrangements for individuals with disabilities or limited English proficiency.

B. Formal Notice of Meetings

1. NRC staff will write meeting announcements using plain language and will provide announcements to the public as soon as they are confident that a meeting will be held and firm date, time, and facility arrangements have been made. Generally, this information will be available no fewer than 10 calendar days before the meeting. When a meeting must be scheduled but cannot be announced 10 calendar days in advance, the staff will provide as much advance notice as possible.
2. Public meetings will be announced on the NRC external Web site. Members of the public who cannot access the NRC Web site can contact the NRC Public Document Room staff on a toll-free number (1-800-397-4209) for information on scheduled NRC meetings.
3. A meeting notice written in plain language must be prepared for every public meeting and for every appropriate closed meeting (see Section II.C of this handbook). For two identical meetings that take place on the same day, or a meeting that spans 2 or more consecutive days, it is appropriate to submit one meeting notice.

C. Procedures for Noticing Public (Open) Meetings

1. NRC staff can post a notice of an open meeting by entering information into the Public Meeting Notice System (PMNS).
 - (a) Staff should enter a meeting notice far enough in advance to be posted on the Public Meeting Schedule no less than 10 calendar days in advance of the meeting date. When a meeting must be scheduled but cannot be announced 10 calendar days in advance, the staff will provide as much advanced notice as possible.
 - (b) A meeting notice will reflect a single meeting (i.e., not cover a series of meetings on different dates).
 - (c) Appropriate management (i.e., division director or higher) must approve a meeting scheduled with less than 10 calendar days of public notice before the notice is submitted to the PMNS.
2. Staff also should send a draft copy of the meeting notice to the Office of Public Affairs (OPA) for their consideration in preparing external communications.
3. A meeting notice should contain the following information, written in plain language:
 - (a) Whether the notice involves a newly scheduled, revised, or canceled meeting.

- (b) Meeting contact name, telephone number, and e-mail address. The meeting contact serves as an agency point-of-contact for meeting participants, both before and during a meeting. Generally, this individual is a member of the NRC office holding the meeting. The meeting contact is responsible for making all necessary arrangements for the meeting and for ensuring that meeting notices or press releases indicate the availability of any services offered (i.e., participation technologies, such as teleconferencing and Web conferencing).
- (c) Meeting Category. Select and include one of the following statements in the meeting notice:
 - (i) This is an Observation Meeting: This is a meeting in which attendees will have an opportunity to observe the NRC performing its regulatory function or discussing regulatory issues. Attendees will have an opportunity to ask questions of the NRC staff or make comments about the issues discussed following the business portion of the meeting; however, the NRC is not actively soliciting comments toward regulatory decisions at this meeting.
 - (ii) This is an Information Meeting with a Question and Answer Session: The purpose of this meeting is for the NRC staff to meet directly with individuals to discuss regulatory and technical issues. Attendees will have an opportunity to ask questions of the NRC staff or make comments about the issues discussed throughout the meeting; however, the NRC is not actively soliciting comments toward regulatory decisions at this meeting.
 - (iii) This is a Comment-Gathering Meeting: The purpose of this meeting is for NRC staff to meet directly with individuals to receive comments from participants on specific NRC decisions and actions to ensure that NRC staff understands their views and concerns.
- (d) Whether any portion of the meeting will be closed to the public. Include the following statement in the meeting notice, completing it as appropriate:

“Certain portions of this meeting will be closed to the public because the staff has determined that the information (is proprietary in nature, contains safeguards information, etc.).”
- (e) Purpose of the meeting (brief description).
- (f) The date of the meeting and the beginning and, if known, ending time of the meeting.
- (g) The location of the meeting, including organization or building name, street address, room number, city, and state.
- (h) Docket number(s) and/or facility name(s), if applicable.
- (i) NRC office(s) participating (e.g., NRR, Region III, OGC).

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- (j) Outside organization(s) participating (e.g., Commonwealth Edison Company, NEI).
 - (k) ADAMS accession numbers for the meeting agenda and meeting-related documents.
 - (l) Link to Web page with additional, meeting-related information/supporting documentation.
 - (m) Availability of participation technologies (e.g., teleconference, Webcast, Webinar).
 - (i) Audio teleconferencing and other technologies that allow participation from locations other than a meeting room should be used whenever possible to help ensure widespread involvement in meetings. Information on how to participate remotely should be included in the meeting notice.
 - (ii) If applicable, include the following statement:

“Interested members of the public can participate in this meeting using (fill in the blank with the appropriate participation technology or technologies being used for the meeting; include the bridge number and passcode for an audio teleconference; include the URL for a Webcast or Webinar). For additional details, please call the NRC meeting contact listed on the NRC Public Meeting Schedule or call the NRC’s toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact (state the name of that individual).”
 - (iii) If video teleconferencing will be available, provide the location (building, street address, room number, city, and state) and the NRC video teleconference contact’s full name and telephone number by including the following statement:

“Remote public observation of this meeting will be allowed from (location of remote conference room); however, seating may be limited and will be assigned on a first-come basis. Contact (video teleconference coordinator) at (telephone number) indicating your intention to attend by (date). This step will ensure that sufficient copies of meeting materials are available. Some portions of the meeting may involve only NRC personnel and will be closed to public observation. Because meetings are sometimes canceled as a result of unforeseen circumstances, contact the coordinator to confirm that this meeting will occur as scheduled.”
 - (n) Include the following statement(s):
 - (i) “The NRC’s Policy Statement, “Enhancing Public Participation in NRC Meetings,” effective March 19, 2021, applies to this meeting. The policy statement may be found on the NRC Web site, www.nrc.gov, and contains information regarding visitors and security.”

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- (ii) “If you need a reasonable accommodation to participate in this meeting (e.g., a translator, accessibility) or need this meeting notice, the transcript, or other information from the meeting in another format (e.g., Braille, large print, a language other than English), please notify the NRC’s meeting contact. Determinations on requests for reasonable accommodations will be made on a case-by-case basis.”
 - (iii) “Because meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances such as severe weather, confirm the meeting schedule by checking the Public Meeting Schedule or communicating with the meeting contact.”
 - (iv) As applicable, “Seating may be limited and will be available on a first-come basis. Inform the NRC’s meeting contact of your intention to attend by (date). This step will ensure that sufficient copies of meeting materials are available.”
4. The originator of a meeting notice must—
- (a) Ensure that all accession numbers, links, and/or Web addresses being referenced in the meeting notice are tested to ensure that they can be accessed by the public.
 - (b) Ensure that the meeting notice, including the agenda and supporting documentation and is declared in ADAMS as an official agency record following the guidelines provided in ADAMS Template NRC-001.
 - (c) Ensure that documents available for public comment are posted on the appropriate “Documents for Comment” page on the NRC’s public Web site.
 - (d) Ensure that notices of meetings are posted and that the information is accurate by checking the Public Meeting Schedule page located on the NRC’s public Web site.

D. Procedures for Noticing Non-public (Closed) Meetings

1. A notice for a closed meeting must be written using plain language and entered into ADAMS as an official agency record, following the instructions provided in ADAMS Template Number NRC-001, no less than 10 calendar days in advance of the meeting date. When a meeting must be scheduled but cannot be announced 10 calendar days in advance, the staff will provide as much advanced notice as possible. When profiling your closed meeting notice in ADAMS, be sure to include the word “closed” in the document title.
2. A notice that contains non-public information should not be made publicly available in ADAMS. See ADAMS “Guidance for Determining the Public Availability of NRC Records” for assistance in determining what information should and should not be placed in public ADAMS.

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3. There is no requirement for entering a closed meeting notice into PMNS. Only information from a public meeting notice is entered into the PMNS and posted on the Public Meeting Schedule.
 4. A closed meeting notice will reflect a single meeting (i.e., not cover a series of meetings on different dates). For two identical meetings that take place on the same day or a meeting that spans 2 or more consecutive days, it is appropriate to submit one meeting notice.
 5. Do not include a bridge numbers and passcode in a notice of a closed meeting being conducted by audio teleconference.
 6. Certain closed meetings are exempt from the requirement to create a meeting notice. See Section III.E of this handbook for exemptions for closed meetings.
 7. A closed meeting notice should be written in plain language and—
 - (a) State clearly at the beginning of the notice that the meeting is closed to public attendance and the reason it is closed (e.g., safeguards information, proprietary information).
 - (b) Indicate whether the notice involves a newly scheduled, revised, or canceled meeting.
 - (c) Provide the NRC's meeting contact name, telephone number, and e-mail address.
 - (d) Indicate the date of the meeting and the beginning and, if known, ending time of the meeting.
 - (e) Indicate the general location of the meeting.
 - (f) Give the purpose of the meeting (brief description).
 - (g) Indicate the docket number(s) and/or facility name(s), if applicable.
 - (h) Indicate the NRC office(s) participating (e.g., NRR, Region III, OGC).
 - (i) Indicate the outside organization(s) participating (e.g., NEI, Westinghouse).
 - (j) Give the accession number for any publicly available meeting-related information including meeting notice, agenda, and other meeting-related documents, as applicable.

E. Closed Meetings that are Exempt from Issuance of a Meeting Notice and Summary

NRC staff and management hold various planned and unplanned, formal, and informal meetings with stakeholders, as part of the NRC's routine regulatory, safety, and oversight responsibilities. The following examples and scenarios of closed meetings typically do not require a meeting notice and summary. The list of examples is not intended to be all-inclusive, but rather is provided to establish a thought process that can be used to make decisions regarding issuance of a meeting notice and summary.

1. Discussion with the Licensee for Emergent Technical Issues

An emergent technical issue at the site may necessitate an impromptu or urgent discussion with regional or headquarters management, to determine adequacy of appropriate compensatory measures, determine the need for a Notice of Enforcement Discretion or other Agency response, or promote a mutual understanding of the licensee response. Because the time-sensitive nature of the NRC's interaction would create an unnecessary administrative burden and impede the effective implementation of the agency's official regulatory responsibilities or responsiveness, a meeting notice and summary is not required.

2. "Drop-In" Meeting or Similar Management Meeting

Senior executives of a licensee, an applicant, or a potential applicant request the opportunity to conduct a "drop-in" visit or similar management meeting with the EDO, with other senior managers at agency headquarters, or with senior managers of the region in which their facility is located. This type of visit should be limited to a general exchange of information not directly related to any regulatory action or decision, or may involve the discussion of personal privacy, financial, or potential sensitive business-related considerations. Because these visits or meetings are usually limited to a general exchange of information not directly related to any regulatory action or decision, they would not typically be public meetings and no meeting notice or summary is required.

3. Post-Investigation Alternative Dispute Resolution (ADR) Meeting

As part of the NRC's enforcement process, the NRC may hold an ADR meeting with a licensee, licensee contractor, or individual to reach a resolution on an enforcement matter. Because the ADR process is confidential, a meeting notice and summary will not be issued, except for an ADR meeting where the NRC's letter to the licensee, licensee contractor, or individual offering ADR is a public document at the time of the meeting notice. In that case, a meeting summary after the ADR meeting will not be necessary because the NRC's followup actions will reveal publicly the results of the ADR meeting (i.e., a confirmatory order will reveal the settlement, and enforcement action will reveal no settlement).

4. Staff Meeting with an Alleger

As an integral part of the NRC's oversight responsibilities, NRC personnel meet and interview individuals who may have potential safety concerns regarding activities at NRC-regulated facilities. Because the discussions are related to potential or ongoing investigatory activities, a meeting notice and summary will not be issued.

5. Inspector Meeting, Exit Meeting, and NRC Management Visit to a Licensee Facility

NRC inspection staff and management hold meetings with facility personnel as part of its routine inspection oversight responsibilities. In addition, NRC staff and management from regional and headquarters offices visit a facility for various purposes including, but not limited to, tours to enhance familiarity with the facility or operational events, discussion of plant issues and informal assessments of licensee performance, and monitoring or assessing the performance of NRC subordinates. Issuance of a meeting notice or summary is not required because it would create an unnecessary administrative burden and impede the efficient execution of the NRC's safety and regulatory responsibilities.

6. Discussion with Licensee of Request for Additional Information (RAI)

NRC staff conducts routine conference calls or meetings with a licensee to clarify RAI questions in support of the staff's review of an application or licensing action. Issuance of a meeting notice or summary is not required because it would create an unnecessary administrative burden and impede the efficient execution of the NRC's safety and regulatory responsibilities.

F. Identifying the Need for a Press Release or an Advertisement in the Newspaper

1. OPA normally prepares press releases for public meetings that generate a large amount of interest or are particularly controversial. Offices should contact OPA as soon as the meeting is planned, preferably before the meeting notice is posted on the NRC Web site and not later than a week before the meeting.
2. If a public meeting merits a radio or a newspaper advertisement, the ad is paid for by the program offices supporting the meeting. Normally, ads are developed when there is a particular need to inform local citizens. Contact OPA for guidance, as needed.

G. Meetings Not Properly Noticed

1. If it is discovered before a meeting that the meeting was not properly noticed due to a minor error or change (e.g., incorrect public meeting category, incorrect teleconferencing number), staff should make appropriate updates in PMNS and provide the updated information to members of the public who have previously expressed interest in the meeting.

2. If it is discovered before or during a meeting that the meeting was not properly noticed (e.g., notice was not posted 10 calendar days before the date of the meeting, meeting was posted as a closed meeting, yet portions should have been open to the public), the following steps should be taken:
 - (a) Promptly notify the appropriate division director. Follow up with a memorandum to the office director explaining the circumstances and corrective actions to be taken. Send a copy of the memorandum to the Assistant for Operations, Office of the Executive Director for Operations (OEDO).
 - (b) Discuss the continuation of the meeting with the division management. (A decision regarding continuation or postponement and whether to limit the discussion to an exchange of information [no regulatory decisions to be made], will be made on a case-by-case basis.)

H. Canceling or Rescheduling a Meeting

1. If a public meeting must be canceled, staff should update PMNS and notify OPA (for those meetings for which a press release was issued or was planned) as soon as you are aware of the fact.
2. If a meeting must be canceled, rescheduled, or delayed at the last minute due to unforeseen circumstances (i.e., inclement weather), the meeting contact should update PMNS with the status of the meeting. A meeting contact who cannot be reached at the telephone number provided in the meeting notice should make a reasonable effort to either provide an alternative contact number on their office voicemail recording or update their office voicemail recording to include the status of the meeting.
3. If a public meeting must be rescheduled (including changes to date, time, or location), update PMNS and notify OPA as soon as you are aware of the fact.