

UNITED STATES NUCLEAR REGULATORY COMMISSION

SUPPLEMENT NUMBER

5

DATE ISSUED:

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FILING INSTRUCTIONS

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I. OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS

A. Functions of EDO

The Executive Director for Operations (EDO) is responsible for supervising and coordinating policy development and operational activities of NRC program and staff offices. Specifically, the EDO:

1. Develops and promulgates rules, except proposed or final rules involving significant questions of policy or involving 10 CFR Parts 0, 2, 7, 8, 9 Subpart C, and 110.
2. Is responsible for administrative functions of the Commission including resolving EEO and grievance matters (excluding grievance matters that arise from Commission level offices) and providing support services.
3. Proposes any reorganization of the major offices which report to the EDO, consults with the Chairman prior to the Chairman's initiation of the appointments of the Directors of NRR, NMSS, RES, and IE, and appoints and removes, after consultation with the Chairman and without any further action by the Commission, all officers and employees of the offices reporting to the EDO except: Directors of NRR, NMSS, RES, and IE.
4. Ensures that the Commission, through the Chairman, is fully and currently informed about matters within its functions.
5. Performs any other matter or function explicitly assigned by the Commission or the Chairman.

B. OEDO Organization

The Office of EDO consists of the Executive Director for Operations (EDO), the Deputy Executive Director for Operations (D/EDO), the Assistant for Operations (AO/EDO), the Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR), and the Administrative and Correspondence Branch (OEDO:ACB). Their major job responsibilities are:

- ° D/EDO - Specifically responsible for coordination of budget matters, OMB liaison, emergency planning matters, and the Executive Resource Board - as well as such other areas he may address for the EDO. Acts for the EDO in EDO's absence.
- ° EDO - Monitors all correspondence and tasks assigned the staff EDO or the Commission and establishes procedures for handling such work. Specifically responsible for interface with GAO and the DOE coordinating committee. Available to staff for guidance in any of these areas and for EDO guidance when required.
- ° DEDROGR - Supports the EDO's managerial and supervisory responsibility for the Regions. Also supports the EDO's management, control and tracking of generic communications with and requirements placed on licensees, permit holders and applicants. Chairs the Committee to Review Generic Requirements and is specifically responsible for overseeing the prioritization and reduction of the current backlog of regulatory actions. Frequently represents the EDO before the Commission, Congress, other agencies, industry and the public.
- ° OEDO:ACB - reviews and processes all communications addressed or referred to the EDO; serves as liaison with SECY on the coordination of principal correspondence, etc.; functions as central control point with OEDO and all the offices under it.

C. Working with OEDO

1. The AO/EDO or OEDO:ACB should be contacted to arrange for briefings of the Commissioners, or regarding the status of a SECY paper, a piece of principal correspondence submitted, etc. Occasionally, offices may get telephone inquiries from the Commissioners' Assistants or from the Commission offices such as Congressional Affairs (OCA), Public Affairs (OPA), Policy Evaluation (OPE), ACRS, etc. Consult your supervisor if there is any doubt in coordinating a task or assignment. The appropriate office contact should always be advised of contacts from the Commission.

D. EDO RULEMAKING AUTHORITY

1. General

- a. In attempting to reduce the number of relatively minor items on which it must act, the Commission has directed that the EDO exercise fully the rulemaking authority delegated to him in 10 CFR 1.40(d). That section authorizes the EDO to develop and promulgate proposed and final rules, subject to general policy guidance from the Commission except those:

- ° involving significant questions of policy, or
- ° involving 10 CFR Parts 0 (Conduct of Employees); 2 (Rules of Practice for Domestic Licensing Proceedings); 7 (Advisory Committees); 8 (Interpretations); 9 Subpart C (Government in the Sunshine Act Regulations); and 110 (Export and Import of Nuclear Facilities and Materials).

NOTE: This covers any rulemaking notice affecting these parts, including corrections, minor changes, etc.

b. For purposes of general guidance, a rule is considered to involve "significant questions of policy," and therefore must be submitted to the Commission if it:

- ° represents a major change in existing Commission policy,
- ° represents a major new issue, or
- ° will result in a major commitment of resources by a class of licensees.

Factors to consider in determining if a rule is considered to involve "significant questions of policy" are:

- ° the impact on licensees and the public,
- ° the degree of controversy associated with the proposal,
- ° the existence of significant public health, safety, environmental or common defense and security questions,
- ° the applicability of existing precedent,
- ° the resources required for implementation.

Further guidance on a determination can be obtained from Division of Rules and Records, Office of Administration.

c. A minor change in policy would be involved if:

- ° existing policy were essentially followed with minor modifications to fit a particular situation.

A minor new issue:

- ° would be one that the Commission had previously considered in a similar context,
- ° would have limited impact,
- ° did not present important health, safety, environmental, or safeguards questions,
- ° would require only limited resources to implement.

Proposed and final rules which are of a minor, corrective or nonpolicy nature and do not substantially modify existing precedent should be submitted for the EDO's signature unless they fall within the excepted Parts of 10 CFR listed previously. Rules involving minor changes in policy or minor new issues should be handled in the same manner.

- d. When the Commission has considered all significant questions of policy in connection with a proposed rule - either major or minor as defined above, the final rule may be submitted for the EDO's signature if:
- ° no significant adverse comments or questions have been received on the notice of proposed rulemaking,
 - ° no substantial changes in text are indicated.

Caution should be exercised, however, to ensure that major new rules involving matters of significant public interest are brought before the Commission when the comments received

suggest that the Commission might wish to reconsider certain provisions of the proposed rule, even though the staff has determined that no revisions are required. For example, for this reason, final rules implementing the Nuclear Waste Policy Act ordinarily will be required to be forwarded to the Commission for its review.

- e. It is essential that the Commission be kept informed of each exercise of the EDO's rulemaking authority. Accordingly, the office responsible for preparing a rulemaking package for the EDO's signature must include the note to be inserted in the Weekly Information Report to the Commission for a proposed rule or the Daily Staff Notes for a final rule. See Section D.3.a. and b. below.

2. Preparation of Rulemaking Paper

The staff office responsible for initiating a rule must make an initial determination of whether the rule falls within the scope of the EDO's rulemaking authority (see Section D.1.).

- a. If the rule does not fall within the scope of the EDO's rulemaking authority, the rule should be prepared for forwarding to the Commission in the normal Commission paper format. See Chapter III.
- b. If the rule does fall within the scope of the EDO's rulemaking authority, the rule should be forwarded by memorandum to the EDO. The memorandum should explain the basis and purpose of the rule. In addition, the originating office shall:

- ° Include in the memorandum, after the Office Director's signature, a certification statement prepared for EDO signature (see Exhibit 1 for a sample certification statement). This statement should identify the rule and explain how it comes within the scope of the EDO's rulemaking authority. If appropriate, it should also reference previous Commission policy decisions relating to the subject of the rule, and
- ° Prepare a notice as in Paragraph D.3., below.

3. Notification of Commission for Rules to be Signed by EDO

- a. In the case of a notice of proposed rulemaking, notification will occur by inclusion of an entry in the Weekly Information Report (see Exhibit 2 for a sample entry describing a proposed rule). The Office originating a notice of proposed rulemaking shall prepare the appropriate entry and include it in the signature package which is sent to the Division of Rules and Records for review and transmission to the EDO for action. OEDO will place the entry in the Weekly Information Report when/if EDO signs the rulemaking package.
- b. In the case of a notice of final rulemaking, the office originating the rule will prepare an entry (see Exhibit 2) for inclusion in the Daily Staff Notes in order to give the Commission the required notice. In this case, the EDO will place the notice in the Daily Staff Notes and hold the rule-making notice for five working days after it is signed, to allow time to complete the Commission notification process, after which the rulemaking package will be forwarded to Rules and Records for final action.

- c. Staff who receive any comments on EDO rulemaking from the Commission pursuant to notices in Weekly/Daily Reports must advise OEDO promptly in order that appropriate action on the rule can be taken.

E. Control of NRC Rulemaking

By EDO memorandum of February 13, 1984, "Control of NRC Rulemaking by Offices Reporting to the EDO," offices were informed, that effective April 1, 1984, (1) all offices under EDO purview must obtain EDO approval to begin and/or continue a specific rulemaking (2) resources are not to be expended on rulemakings that have not been approved by the EDO and (3) RES will independently review rulemaking proposals forwarded for EDO approval and make recommendations to the EDO concerning whether or not and how to proceed with rulemakings. The purpose is to assure that (1) candidates for rulemaking are early and promptly identified, screened and thereafter annually reviewed to determine whether or not to proceed with rulemaking (2) rulemakings are assigned priorities commensurate with their importance relative to accomplishing the NRC mission and (3) rulemakings are timely, effective, efficient, and of high quality.

For each proposal to initiate or continue a rulemaking, the proposing office is responsible for preparing and forwarding a proposed rulemaking review package in accordance with the procedures set forth in a May 30, 1984 EDO memorandum to Directors of affected offices. In summary, the sponsoring office is to forward recommendations as to whether or not to continue a rulemaking to RES for independent review of the matter. Twenty (20) days thereafter, the Director of RES will forward independent recommendations concerning the rulemaking along with the sponsoring Office Director's recommendations to the EDO (ATTN: DEDROGR). The EDO will then decide whether or not to proceed with the rulemaking and inform affected offices of the decision. This process is repeated once each year for ongoing rulemakings.

F. Control of NRC Rulemaking and Its Timeliness

Associated with the rulemaking review and approval process established on February 13, 1984, EDO initiated by memo of June 12, 1985, a rulemaking tracking and feedback system to help manage the timeliness of rulemaking. The purpose of this system is to insure that rules under the EDO's purview are finalized within about 2 years of their inception. See Exhibit 3 for detailed procedures.

G. Regulatory History Rulemaking Procedures

By EDO memorandum of April 5, 1985, "Regulatory History Procedures", procedures were established for the creation of a regulatory history of each proposed and final rulemaking initiated by the offices reporting to the EDO. See Exhibit 4. The objective of the regulatory history is to ensure that all documents of central relevance to a particular rulemaking are identified and accessible and to facilitate the resolution of any issues that may arise concerning the interpretation of a particular regulation. Further information on these procedures will be included in periodic revisions of the NRC Regulations Handbook, NUREG/BR-0053.

H. Daily Staff Notes

1. Purpose: To provide the Commission with a daily report of significant events. See Exhibit 5.
2. Scope: Reported items should include issues of sufficient importance that the Commission would find it valuable to be advised promptly. Entries should be brief; if necessary, they can be followed up in detail in the Weekly Information Report or by means of a separate paper.

3. Details of Reporting

- a. All offices will submit reports as required. Negative report is required from Program Offices only.
- b. Typed reports (original or good xerox copy) are submitted to AO/EDO by 9:00 a.m. daily. Brief reports may be phoned in. Faxed reports must be received by 4:45 p.m.
- c. Reports should be concise -- a sentence (several at the maximum) -- for each item. Use "who, what, when, why, where" criteria to assure clarity. See Exhibit 6 for a sample.
- d. Examples of possible input:
 - ° CP/OL/FES issuance or important related activities.
 - ° Orders/Civil Penalties
 - ° Significant meetings/actions
 - ° Important correspondence received/Congressional hearings requiring testimony/feedback on hearings
 - ° Foreign incidents (major exposures or releases, degradation of systems, generic problems); expand in Weekly Information Report)
 - ° Exemptions, orders, events related to a hearing, releases, operating problems, failures (as appropriate to a daily report; otherwise report in Weekly Information Report)

- ° Staff briefings for a Commissioner's Office or a Congressional Office
- ° Visits by Commissioners to Regional Offices or Regional Facilities

I. Weekly Information Report

1. Purpose: To provide a single weekly document to include a general summary of the week's activities.
2. Scope: Since this report serves to advise a broad range of readership (Commission, staff to Branch Chief level and above, general public via PDR and subscription), it should be a genuine summary covering ongoing as well as completed items. It should particularly include items which the Commission should be aware of but which do not deserve the more formal treatment of an information paper.
3. Details of Reporting:
 - a. Offices submit typed reports (original or good xerox copy) to AO/EDO by COB each Friday using format shown in Exhibit 7. Faxed reports must be received by 4:45 p.m., Friday. Negative report is required from all offices.
 - b. Individual issue reports should be limited to a paragraph or two.
 - c. Input should include:
 - ° Status of major issues and projects in which the office is involved and with which staff or the Commission has an ongoing interest.

- ° Reports of meetings/task groups which may be of interest outside the office involved.
 - ° Actions undertaken or projected which may be of interest outside the office involved.
 - ° Information which might normally be circulated as an Information Paper, unless it is either too difficult to reduce to one or two paragraphs or too timely to wait for issuance of the report.
 - ° Preliminary Notifications issued during the week, summarized/information closing out the action when complete (IE).
 - ° FOIA/Privacy Act actions, summarized (ADM).
 - ° LWAs/CPs/OLs.
 - ° Licensing Actions.
 - ° Significant foreign incidents or information.
 - ° Status of TMI activities.
 - ° Upcoming significant meetings (see 3.e.).
 - ° Items otherwise requested to be a part of this report.
- d. Items which are "sensitive" should be provided as a separate entry with the notation "Deleted from PDR copy" added at bottom of page. These items will be incorporated into a separate enclosure marked "for internal distribution" and will be deleted from copies made available to the public.

e. Procedures for Reporting Meetings

1. Submit meeting notices as a separate page with the Weekly Information Report, using the format shown in Exhibit 8.
2. Include meetings with external groups and any really significant internal meetings.
3. Report meetings to be held during the two-week period beginning 10 days after the reporting date (e.g., the December 10 report will include meetings scheduled for the 2-week period beginning December 20).
4. Adjust the report each week to reflect schedule changes and additions. For significant meetings, report last minute changes and additions in the Daily Staff Notes.

J. Weekly Staff Meetings

EDO staff meetings are usually held on Thursday mornings and are attended by Program Office Directors (or their deputies or designees), and such others as may be invited. These meetings provide offices with the opportunity to raise and discuss important issues that might eventually be brought to the EDO for resolution and discussion.

K. Periodic Review of Major Office Program

In order to provide for a more consistent and logical framework for review of the programs of major offices, EDO initiated on November 17, 1982 a practice of quarterly briefings.

Office Directors are to utilize these briefings to air programmatic problems and acquire decisions necessary for prompt and efficient exercise of their programmatic responsibilities. The OEDO staff will conduct these briefings on a continuing basis, raise questions necessary to assure that important issues are addressed as clearly as possible, and advise the EDO of appropriate decisions/problems. See Exhibit 9 for implementing instructions.

On December 1, 1982, the EDO issued guidelines for coordinating NRC program areas. Program briefings should include discussion of these areas for which an office is "lead", as well as for programs which are entirely internal to an office.

SAMPLE CERTIFICATION STATEMENT

[USE SINGLE SPACING]

Approved For Publication

In a final rule published March 19, 1982 (47 FR 11816), the Commission delegated to the EDO (10 CFR 1.40 (c) and (d)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)) subject to the limitations in NRC Manual Chapter 0103, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310. *The enclosed final rule entitled "Administrative Claims Under Federal Tort Claims Act" amends 10 CFR Part 14 to make it current and consistent with the regulation of the Attorney General, 28 CFR Part 14, to change the office where claims are filed and the NRC officials who are authorized to act on claims, and to provide procedures when NRC employee drivers are sued in State courts. In issuing this rule the EDO is acting in accordance with the general policy guidance provided by the Commission in a final rule establishing the Commission's administrative procedures for implementing the Federal Tort Claims Act (32 FR 3731).*

This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 0, 2, 7, 8, 9 Subpart C or 110. I therefore find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

Date

[Name]
Executive Director
for Operations

... Between asterisks insert the necessary description for the particular rule in question. These words are taken from a particular rule to serve as an example.

SAMPLE WEEKLY INFORMATION REPORT* OR DAILY STAFF NOTES** ENTRY

[USE SINGLE SPACING]

Proposed or Final Rule Signed by EDO

On _____, 1982, the Executive Director for Operations approved a [proposed rule] [final rule] which revises 10 CFR Part 14, Administrative Claims under Federal Tort Claims Act. This rule would add to Part 14 (a) procedures which NRC is to follow when claims are filed with NRC and one or more other agencies, (b) a requirement that NRC employee drivers who are sued in State Courts report such proceedings to the U.S. District Court if the employee was acting within the scope of his employment, (c) provisions for payment of claims over \$2,500.00 through the General Accounting Office, and (d) provisions limiting attorney fees as provided in the governing statute. The rule authorizes the Executive Legal Director to determine, compromise, and settle claims.

While about half of the 49 claims filed during the past 4 years have been filed by rental car agencies, the average amount allowed has been less than \$250.00. The Executive Director for Operations therefore certified under the Regulatory Flexibility Act that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This notice constitutes notice to the Commission that, in accordance with the rulemaking authority delegated to EDO, [the EDO has signed this proposed rule for publication in the FR.] [the EDO has signed this final rule and proposes to forward it on _____ to the Office of the Secretary for FR publication, unless otherwise directed by the Commission.]

* Weekly Information Report for Proposed Rules

** Daily Staff Notes for Final Rules



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

JUN 12 1985

MEMORANDUM FOR: Office Directors

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: CONTROL OF RULEMAKING AND ITS TIMELINESS

In a March 21, 1985 memorandum to Commissioner Zech, I addressed the matter of controlling rulemaking to assure that rulemaking is necessary, effective, efficient, of high quality and timely. Specifically, I identified our actions associated with the rulemaking review and approval process that I established early last year. In the memorandum, I committed to establishing a rulemaking tracking and feedback system to help us manage the timeliness of rulemaking. I propose to ensure that rules under my purview are finalized within about 2 years of their inception.

I have asked RES to establish such a tracking system and to inform me promptly of rule schedule slippage and reasons for such slippage so that I can take the necessary action to get the rule(s) back on schedule. I am particularly interested in identifying and taking action on those rulemaking actions which are being excessively delayed because of failure to reach staff consensus.

Rather than establish a new tracking system, the existing quarterly update of the regulatory agenda will be modified to accomplish this objective. This will be accomplished as follows:

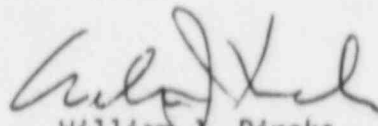
- (1) Each office director will establish for each new rulemaking a scheduled final action date which will be within 2 years of its inception (the final action date is the date the final rule is expected to be published in the Federal Register). For ongoing rulemaking, the final action date should be as close to 2 years from inception as possible, and in no case should be more than 2 years from the date of this memorandum.
- (2) Each Office Director will provide the following information for the next quarterly update of the regulatory agenda for each rulemaking sponsored by his/her office.
 - The target date for final action on the rule,
 - three intermediate milestones for the current phase of the rulemaking (i.e., ANPRM, NPRM, final rule) which can be used for tracking purposes,
 - . Begin Division Review,
 - . Office Concurrence Complete,
 - . Submit Rule to EDO.

This information has been requested in the May 28 memo from Pat Norry on Quarterly Update of the Regulatory Agenda.

- (3) For each subsequent quarterly update of the regulatory agenda, each Office Director will either (a) certify that each rule is on schedule, (b) note that the schedule has slipped and specify the action being taken to get it back on schedule, or (c) note that the schedule is not likely to be met, the reason for the slippage and a new target date for final action on the rule.

For any new rulemaking initiated since the last quarterly update each Office Director will provide the information listed in item (2) above.

- (4) Copies of quarterly updates will be sent to RES/DRAO as well as to ADM/DRR. RES will independently review the schedule for each rulemaking and submit a summary report to the EDO with recommendations where EDO attention is needed.
- (5) RES will also review the status of each rulemaking during the RES independent review of the rulemakings and make recommendations to EDO on scheduling as appropriate.



William J. Dircks
Executive Director for Operations



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

APR 05 1985

MEMORANDUM FOR: Robert B. Minogue, Director
Office of Nuclear Regulatory Research

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

John G. Davis, Director
Office of Nuclear Material Safety & Safeguards

James M. Taylor, Director
Office of Inspection and Enforcement

Patricia G. Norry, Director
Office of Administration

Guy H. Cunningham, III
Executive Legal Director

G. Wayne Kerr, Director
Office of State Programs

Clemens J. Heltemes, Jr., Director
Office for Analysis and Evaluation of Operational Data

James R. Shea, Director
Office of International Programs

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: REGULATORY HISTORY PROCEDURES

In a February 15, 1985 memorandum to Chairman Palladino, issued jointly with the Office of General Counsel, I informed the Chairman that procedures would be developed for the creation of a regulatory history of each proposed and final rulemaking initiated by the offices reporting to the EDO. This memorandum outlines the individual office responsibilities for the implementation of the regulatory history procedures. The objective of the regulatory history is to ensure that all documents of central relevance to a particular rulemaking are identified and accessible. This will facilitate the resolution of any issues that may arise concerning the interpretation of a particular regulation. The following procedures will be applicable to any proposed or final rule submitted to the Federal Register for publication after the date of this memorandum. The Rules and Procedures Branch, Office

of Administration, will provide further information on these procedures, as necessary, in the periodic revision of the NRC Regulations Handbook, NUREG/BR-0053.

Program Office Responsibilities

Each office that sponsors a proposed or final rulemaking shall ensure that:

1. all documents of central relevance to the factual basis, coverage, meaning, and historical development of the rulemaking are identified, and maintained during the course of the rulemaking. Although the Project Manager's judgment will be necessary in some instances to determine whether specific documents are of "central relevance" to a rulemaking, the following documents should be included:
 - . the Office of Nuclear Regulatory Research (RES) Independent Review Package (containing the RES recommendations on whether to proceed with the rulemaking, the sponsoring Office's recommendation to proceed with rulemaking, and the evaluation of the rulemaking proposal against the six criteria required for the RES Independent Review)
 - . prior drafts of the rulemaking transmitted for interoffice review
 - . formal Office comments on the drafts submitted for interoffice review
 - . source documents relied upon in preparing the draft rule (e.g. research studies, consensus standards endorsed in the draft rule)
 - . documents which synthesize or organize data in a form relied upon in the draft rule
 - . supporting documentation such as the regulatory analysis, the Cost Analysis Group Report, environmental assessment or environmental impact statement, regulatory flexibility analysis, and OMB Clearance Package
 - . public comments submitted in response to a Petition for Rulemaking, an Advanced Notice of Proposed Rulemaking, or a Notice of Proposed Rulemaking
 - . Committee to Review Generic Requirements (CRGR) minutes and recommendations concerning the draft rule
 - . the ACRS comments on the draft rule

- . the Commission Paper transmitting the draft rule to the Commission or the memorandum transmitting the rule to the EDO for approval
- . the transcript or summary of the Commission meeting or briefing on consideration of the draft rule
- . the Staff Requirements memo containing the Commission recommendations on the draft rule
- . the Federal Register Notice for the rule (Petition for Rulemaking, Advanced Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, Final Rule, or any other Federal Register notice issued concerning the rule)
- . any other documents of central relevance (e.g. interagency correspondence, agreement state correspondence)

Documents that fall within any of the above categories must be typewritten rather than handwritten to permit conversion into microfiche by the Document Control System (DCS). If the only record of substantive office review comments on a draft rule are contained as handwritten annotations on the draft itself, the Project Manager should summarize these comments in a typed note to the file.

2. At the completion of a particular rulemaking action, i.e. publication of the proposed or final rule, the project manager shall compile an index of all documents that comprise the regulatory history file. The Project Manager is responsible for identifying a source of access for each document listed. For internal documents, this will require the Project Manager to ascertain whether each document listed is available in the DCS. The Project Manager must ensure that any internal document not already available in the DCS is placed in the DCS, and that the record's accession number is identified for each document on the index. In the case of published documents (e.g. NUREGS, NTIS publications, books, articles, etc.), it will be sufficient to include the bibliographic citation for that document. The Project Manager shall forward the completed index to the Rules and Procedures Branch, Office of Administration, within sixty days after the completion of the rulemaking. The title of the index, and the file, should be the name of the rule and applicable NRC citation (e.g. 10 CFR Part 50) as it appears in the Federal Register notice, the Federal Register citation and date of publication.

Office of Administration

The Rules and Procedures Branch, Office of Administration, will be responsible for ensuring that a completed index of the documents comprising the regulatory history has been compiled for each proposed and final rulemaking. The Rules and Procedures Branch is also responsible for retaining the index and for disseminating copies of the index to interested NRC offices.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

cc: Herzel H.E. Plaine, GC



SAMPLE DAILY STAFF NOTES
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 1, 1983

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: DAILY STAFF NOTES - MAY 31, 1983

IE

1. IE Information Notice 83-35, Fuel Movement with Control Rods Withdrawn at BWRs was issued May 31, 1983, to all boiling water reactor facilities holding an operating license or construction permit.

Region I

1. R. E. Ginna Nuclear Power Plant

The Region I staff will be conducting an enforcement conference on June 1, 1983, with Rochester Gas and Electric Company management regarding their failure to perform the appropriate post maintenance testing on the containment personnel air lock in October 1982.

NRR

1. Clinton Power Station

Illinois Power Company announced on May 24, 1983 that the fuel load date for the Clinton Power Station, Unit 1 has been revised from January 1984 to January 1986.

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SAMPLE DAILY STAFF NOTES ENTRY

NRR DAILY HIGHLIGHT

September 12, 1983

1. Seabrook Station, Unit No. 2

The owners of Seabrook Station, Unit No. 2 passed a resolution to reduce expenditures to a minimum level. Construction will be reduced to an activity level consistent with "maintaining" the construction permit. This action places Unit 2 in an extended construction delay. PSNH will formally submit a letter by the end of this month providing details of its Unit 2 plans along with a copy of the resolution that was passed.

2. Arkansas Nuclear One, Unit No. 1

ANO-1 was manually shutdown from full power operation at 7:00 pm CDT September 7, 1983 as a result of an unidentified leakage of greater than 1 gpm (Technical Specification limit) in the Reactor Coolant System. The licensee identified the leak as being from a 3/4" "C" Reactor Coolant Pump Seal drain line at a pipe to flange weld. The licensee determined that this drain line can be shut and, therefore, has installed blind flanges on this line upstream of the leak and all like drain lines of the other RCP seals.

Because this event was a shutdown for a limiting condition of operation, an unusual event was declared.

3. Peach Bottom Unit No. 3

On September 7, 1983, during startup of Unit 3 after an extended refueling and pipe crack repair outage, an increase in the unidentified leakage rate was recorded with the reactor at 15% power and 1000 psi. Unidentified coolant leakage as measured at the floor sump pump increased from 0.75 gpm to 3.0 gpm in less than 24 hours. Reactor pressure was then decreased to 500 psi and a search for the source of leakage was made. It was determined that the "B" recirculation discharge pump valve (M053B) was leaking at the body to bonnet flange. An initial repair attempt by readjusting the torque around the bonnet failed to stop the leakage. Reactor pressure has been further decreased to 50 psi and the Senior Resident Inspector (SRI) now indicates that the licensee plans to seal-weld the bonnet to stop leakage. Seal-welding has been used previously by TVA to correct similar leakage problems and is an acceptable fix. This proposed repair technique was scheduled to commence on September 8, 1983 and be completed in two to three days.

SAMPLE WEEKLY INFORMATION REPORT ENTRY

OFFICE OF NUCLEAR REACTOR REGULATION

ITEMS OF INTEREST

Week Ending August 26, 1983

Dresden Nuclear Power Station, Unit No. 3

At Saturday midnight, unidentified drywell leakage rose again after about a month to 3gpm requiring licensee analysis to determine the source. Containment air sampling was done with no abnormal indications and surveillance intervals between sump pumping were shortened to two hours. A reading of over 4gpm was reached during one of these two hour intervals but the subsequent four hour value was 3.66gpm which does not require a drywell entry. The licensee, based on his analysis to date, believes that the leak is either in a recirculation pump discharge valve or in a recirculation pump seal. Although a drywell entry is not required at this time, the licensee is considering a shutdown later this week so that entry can be made. The reading at 12:00 noon on August 22 was 3.25gpm.

Indian Point 2 - Striking Workers Return to IP-2

Members of Local #1-2 Utility Workers of America have begun to relieve management watchstanders at IP-2 following Thursday's vote to accept Con Edison's contract proposal. Reorientation of the returning operators, which includes required reading, classroom training and parallel watchstanding, will continue through all three normal Monday shifts. Management watchstanders will retain control of operations until 11 p.m. Monday night when the Tuesday mid-shift reports for work. The IP-2 resident inspectors are providing 24-hour coverage of the turnover activities.

Beaver Valley Unit 1

After core reload during the week of August 15, 1983 the licensee experienced trouble latching one rod cluster control assembly (RCCA). On August 20, 1983, after removal of the upper core internals package, the entire K row of fuel assemblies was found shifted about 1/4 inch. The nozzle on assembly K-2 (new fuel assembly) was crushed down about 7/8 of an inch with its associated RCCA displaced down approximately 2 inches. Underwater camera inspection of the bottom of the upper core plate was performed on August 22, 1983. It was found that the control rod guide tube assembly has been aligned by guide pins that have been incorrectly placed on the upper core plate. (Apparently, when these pins were installed during a recent repair effort, they were mistakenly placed in the bypass holes on the upper core plate.)

The licensee believes that there is no damage to the fuel elements. The damaged assembly will be withdrawn, inspected and be replaced or repaired.

RES MEETING NOTICES

August 26, 1983

<u>DATE/TIME</u>	<u>DOCKET NUMBER</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ATTENDEES/ APPLICANT</u>	<u>NRC CONTACT</u>
8/27-28/83		Boston, MA	2D/3D UPTF Measurement Tests	Zuber	Zuber
8/28-9/1		Cambridge, MA	International Mtg on LWR	CSRB, ORNL, INEL, LANL, SNL	Agrawal
8/29/83		P-118	Semiscale	Landry	Landry
8/30/83		Idaho Falls, ID	INEL MIST Support	Young	Young
8/29/83 AM		1133-SS	Meeting with Mr. Finzi of CEC to discuss research coordination		Cortez
8/29/83 3:00 PM		Rm 7B084 Forrestal Bldg.	Meeting with DOE on waste management	RES, NMSS	Minogue
8/30/83		1140-SS	Meeting with Mr. Cottrell of Oak Ridge to discuss the Nuclear Safety Journal		Minogue
8/31/83		Hanover, NM	1/2 Scale Thermal Mixing Tests	Reyes	Reyes
9/1/83		Los Alamos, NM	LANL MIST Support	Young	Young
9/1/83 AM		1717 H Street	ACRS Mtg - Severe Accident	ACRS/SARP Manag/BCL	Larkins Wang
9/2/83 All Day		P-110 Bethesda	NRC/EPRI H ₂ Rvw. Mtg.	CSRB/CHEB NRR Branches EPRI	Larkins

SAMPLE MEETING NOTICE FORMAT

06/24/85

1-20

EXHIBIT 8

MAJOR OFFICE PROGRAM REVIEWS
Implementing Instructions

- A. Purpose: To provide for periodic reviews of major NRC programs which will surface existing and developing problem areas and provide a mechanism for decisions or other actions by EDO on those problem areas affecting the progress of programs as far in advance as possible.
- B. Method: On approximately quarterly basis, Program Office Directors (NRP, NMSS, RES, and IE) will be scheduled to brief EDO on programs of interest - interoffice programs for which they are responsible as well as office programs. OEDO will provide a memo in advance of the briefing indicating programs of special interest; Office Directors will add those additional programs in which they perceive an appropriate area should be addressed. Briefings will be concise and problem - as opposed to status - oriented. No viewgraphs or formalization will be required. More in-depth briefings, if required, will follow.
- C. Scheduling: Two-hour blocks will be scheduled by the AO/EDO in coordination with the Offices.
- D. Attendance: 1) EDO, D/EDO, DEDROGR, AO/EDO, (senior person present will chair)
2) Office Director of the Office involved
3) Division Directors of the Office involved or senior Division member available
4) Directors of other offices will attend or have a member(s) present. They will observe and participate on discussion of cross-cutting issues where relevant and should be knowledgeable.
5) Supporting staff is not required
- E. Agenda: 1. OEDO will advise an Office one week prior to a scheduled meeting by memo of programs to be addressed. These items will constitute the first set of agenda items.
2. Office Directors will table a list of additional programs at the initiation of the meeting which they wish to address because problems have surfaced or are anticipated to surface prior to the next meeting. In developing this list, offices should review the EDO Program Guidance and lead office assignments in the EDO memorandum on Guidelines for Coordinating Program Areas. These items will constitute the second set of agenda items.

3. Programs will be informally discussed with the specific focus being on:
 - a) programs which have or will slip and the causes thereof;
 - b) issues on which cross-office problems exist;
 - c) issues on which an EDO decision will speed work or provide him an opportunity to imprint a program in a significant direction;
 - d) program outputs which are sufficiently of a surprise nature that advance notice is useful.
4. Office Directors will lead the discussion with support by Division Directors as required. The chair will allocate time and summarize decisions at the conclusion of the meeting.

(iii) EDO and Others

The final reply that went through the appropriate concurrence chain, i.e., the writer, Branch Chief, Division Director, Office Director, ELD and/or RM, and other coordinating offices as needed, should be forwarded to the OEDO:ACB, with necessary background information attached.

- ° EDO will review for concurrence all correspondence prepared for the signature of the EDO, Chairman, or the Commissioners.
 - ° OEDO:ACB will forward the above to SECY for Commission review and concurrence as appropriate.
 - ° OEDO:ACB will send replies to Congressional inquiries to the Office of Congressional Affairs (CA) for review and dispatch.
- b. Editorial work and the tone are the responsibility of the office preparing the paper or correspondence. Concurring offices should concentrate on substantive issues rather than editing smaller points.

- c. Office Directors and Regional Administrators are expected to establish systems which either delegate authority to deal with an issue when it is assigned or to assure that an efficient method of providing guidance is established. Staff should not be exercised in developing a paper which is overturned at the eleventh hour.
- d. When asking other offices to review and comment on a draft of a SECY paper or a letter, try to note changes between drafts (if more than one) by using lines in the margin beside major changes, underlining, or handwritten indications. This will help the reviewer focus on changes from previously reviewed material rather than having to do a line-by-line comparison.

9. Staff Inquiries

- a. All questions related to correspondence, suspenses, etc., shall be directed to OEDO:ACB.
- b. Staff may, as necessary, contact initiators of correspondence to understand better the problem, request, etc. When Congressional staff is an initiator, contact should first be made with OCA.

10. Format

- a. See Exhibits 4 and 5
- b. Signature blocks

The names and titles for signature blocks for use on principal correspondence can be found in the NRC telephone directory.

(Sample letter to Congress forwarding Federal Register Notice)

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of a public announcement and a proposed amendment to Title 10 of the Code of Federal Regulations which is to be published in the Federal Register.

The Nuclear Regulatory Commission is proposing to amend its requirements for the Material Control and Accounting (MC&A) of Low Enriched Uranium (LEU) at fuel cycle facilities. These amendments will better reflect the low strategic significance of LEU by eliminating unnecessarily burdensome requirements and allow greater license flexibility when implementing the regulations by replacing prescriptive requirements with performance capability statements. Through this action a greater distinction will be drawn between MC&A requirements for LEU and those for the more significant strategic special nuclear material.

The Commission is issuing the proposed amendment for a sixty-day public comment period.

Sincerely,

[name], Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Public Announcement
2. Federal Register Notice

cc: Rep. Manuel Lujan

IDENTICAL LETTERS SENT TO THOSE ON ATTACHED LIST

The Honorable Alan Simpson, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Sen. Gary Hart

The Honorable Edward J. Markey, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Rep. Carlos Moorhead

IV. COMMISSION MEETINGS

General

- A. Guidelines
- B. Types of Commission Meetings
 - 1. Briefings
 - 2. Decision Meetings
 - 3. Affirmation Sessions
- C. Scheduling
- D. Documents for Commission Meetings
- E. Staff Attendance
- F. Sunshine Act Voting Requirements
- G. Distribution of Closed Commission Meeting Transcripts
- H. Commission Votes
 - 1. Definition of Votes
 - 2. Basis for Determining Voting Results
 - 3. Recording of Commission Decisions

Exhibits

III. Commission Meetings

Only formal actions which have legal impact in relation to third parties, such as adoption of a rule, would legally require a Commission vote "en banc".

Actions such as submission of a designated study, approval of a budget request, or appointment of certain officials still require the lesser formality of Commission votes submitted without meeting although they do not have such legal impacts.

Immediately before each open Commission meeting, the SECY will place copies of SECY papers or other documents identified on the Commission schedule as the central issue for discussion on a table in the rear of the Commission meeting room for people attending the meeting. Papers dealing with issues which require discussion of non-releasable material will be considered in closed Commission session. (See "Sunshine Act Voting Requirements" under F of this section.) If a paper requires reference to information which is exempt from public disclosure, the exempt information must be furnished in a cross-referenced supplemental paper to assure proper protection of the material.

Unofficial transcripts of all open Commission meetings are kept in the Phillips and Willste Libraries for a period of six months and are available to the NRC staff. These transcripts are unedited and unreviewed, and should not be quoted without verification from SECY. See G of this section for distribution of transcripts of closed Commission meetings.

A. Guidelines

1. The Commission desires as a matter of general policy to change the emphasis of Commission meetings and reduce the number of information and status briefings; conversely a greater percentage of time will be spent on meetings which result in decisions and/or guidance to the staff for further action. It is anticipated that informational briefings will be gradually replaced with information papers and briefings to individual Commissioners if they so desire. Information briefings for individual Commissioners may (if they so desire) be noticed, held in the Commissioners' Conference Room, and may be transcribed at the individual Commissioner's request. Hopefully it will reduce the amount of time and effort now expended by the Commission and staff on information/status briefings. This change is not intended, however, to preclude the staff from recommending information briefings to the Commission where it believes that circumstances necessitate.
2. The presentation to the Commission should be based on the assumption that Commissioners have read the background paper(s) and are familiar with its contents.
3. Briefings should be prepared to cover approximately one half of the allotted time; the remainder should be reserved for questions and answers.
4. At the outset, briefers should clearly identify the focus of the briefing, should indicate whether there are any health or safety implications, and describe any potential new resource requirements (both personnel and financial).
5. Briefers should summarize background history. Only the important events should be emphasized.

6. Briefers are requested not to read slides and handouts verbatim and only to discuss the high points to which they wish to focus the Commission's attention.
7. Every effort should be made to complete the briefing within the allotted time.

B. Types of Commission Meetings

1. Briefings - Information is presented by staff for Commission discussion or to obtain Commission guidance. A Commissioner vote is not anticipated. (See Section A - Guidelines.) The briefings may or may not concern a pending staff paper.
2. Decision Meetings - Discussion with staff of policy issues or license applications which have been presented to the Commission for decision.
3. Affirmation Sessions - Short meetings required by law to ratify, in all Commissioners' presence, votes previously cast by paper ballot on Affirmation papers circulated. (Staff is not required to attend.)

C. Scheduling

Schedules of Commission meetings are reviewed and approved by the Commission at a weekly Agenda Planning Session chaired by the Chairman. Commissioners or their representatives and representatives from EDO, OGC, OPE, SECY, OCA and OPA normally attend and participate in the discussion of schedules for a six-week cycle - the current week and the five succeeding weeks. Commission meetings are generally scheduled to be held on Wednesdays and Thursdays, 10:00 a.m. to 12:00 noon, and 2:00 p.m. to 4:30 p.m. The next week's schedule and agenda items are published and distributed on Friday by SECY. Such information is also provided to the public through an automatic Telephone Answering Service (Number (202) 634-1498) which operates 24 hours a day.

D. Documents for Commission Meetings

1. Papers

- a. For Commission meetings at which a Commission paper is required, that paper must be to the Commission five (5) working days before the meeting (e.g., received cob Monday by SECY for a meeting Tuesday the next week). EDO should have at least three (3) working days for his review.
- b. When a meeting is requested because of unusual circumstances or in order to allow a Commission meeting to proceed which otherwise might be cancelled because the 5-working-day deadline has not been met, EDO may, on request, authorize an office to:
 - i) Submit a draft for early review by EDO, or brief him, in order to save the 3 days set aside for EDO review.
 - ii) Submit on the above schedule a document complete except for a minor portion to be submitted separately prior to the meeting.

2. Briefing Outline and Viewgraphs

- a. For Commission meetings at which a Commission paper is not required, a briefing outline must be submitted on the same schedule as outlined above. The detail should be sufficient to provide the Commission with the thrust and essential elements of what is to be discussed. See Exhibit 1.

- b. Viewgraphs, if utilized, must be provided to EDO two (2) working days before a scheduled Commission meeting (e.g., received cob Thursday for a meeting Tuesday the next week). For a Commission meeting open to the public, 50 copies should be provided; 25 copies for a closed meeting. Viewgraphs should have on each page a date, contact, Office and a telephone number. See Exhibit 2.
- c. All viewgraphs should be prepared by the originating office, using the IBM 10-pitch selectric typewriter or speechwriter. The materials needed and instructions are available from copy centers at Phillips, Willste, Nicholson Lane, and H Street buildings.

E. Staff Attendance

The "lead" office for a Commission briefing/discussion should notify other offices whose attendance they desire as early as possible after a session is scheduled.

Each Director's office will advise ACB:OEDO (x27585) of their office attendance by noon one working day before a scheduled Commission meeting. Attendance should be limited to those who may be expected to contribute to the discussion and their backup. If an office wishes to have someone present just to keep track of Commission discussion on an issue, such attendance must be limited to one person.

EDO will review attendance lists and will advise offices if attendance requires adjustment.

Please see that staff is advised of this procedure as it implies that attendance by individual staff is appropriate only with Office-level approval.

F. Sunshine Act Voting Requirements

Commission meetings are publicly announced at least one week in advance. Meetings are open to public attendance unless it is determined, by vote of three members of the Commission, that the meeting should be closed. If closed, the General Counsel is required to certify the justification for closing a meeting. In such cases, the SECY papers must indicate "closed session" under the scheduling block of the paper and the paper appropriately marked. See Exhibit 3 for the types of materials that are normally exempt from public disclosures, and the way for marking SECY papers on such issues. A recommendation for closing the meeting must be prepared in memo format to the Office of the Secretary. See Exhibit 4. A list of anticipated attendees, if known at the time, should be listed or included as an enclosure to the memo.

The Commission is also required to vote to hold meetings announced with less than seven (7) days public notice. Votes of three members are required. Briefings on Information Papers are generally scheduled for the individual Commissioner at his/her own request, with other Commissioners invited to attend. If a majority of the Commission attends the briefing, it will constitute a Commission meeting and be subject to Sunshine Act requirements.

G. Distribution of Closed Commission Meeting Transcripts

In order to increase the awareness of the sensitivity of closed Commission meeting transcripts, SECY has initiated the following procedures for the distribution of these transcripts:

1. All copies will be numbered and a record maintained by SECY of when and where they are sent.

2. Signed receipts will be obtained for all copies.
3. Copies may not be reproduced. Additional copies needed should be obtained from SECY.

H. Commission Votes

On each Affirmation or Notation Vote paper, the Commissioners may "Approve," "Disapprove," "Abstain," "Not Participate," or "Request Discussion." Commission vote sheets are distributed to staff by EDO for information. If action is required on a particular vote sheet it will be controlled by an EDO Control ticket. See Exhibit 5 for a sample vote sheet.

A quorum consists of "Approve" votes, "Disapprove" votes and those "Abstain" votes needed to establish a quorum. Action is taken only when a majority of Commissioners participating in the matter (the quorum) has approved, or disapproved the item. Abstaining Commissioners are recorded as "Not Participating."

1. Definition of Votes

- | | |
|------------------------------|--|
| a) <u>Approved</u> | This constitutes agreement with the recommendations contained in the applicable Commission paper. |
| b) <u>Disapproved</u> | This constitutes disagreement with the recommendations contained in the applicable Commission paper. |
| c) <u>Request Discussion</u> | Self-explanatory. |

d) Abstain

This is a statement of not participating in making the decision on the applicable Commission paper. However, it indicates a willingness to participate for the purpose of establishing "a quorum required for Commission action," if needed. As such it will be counted for quorum purposes only. This vote is otherwise treated the same as a vote of not participating.

e. Not Participating

This is a statement of not participating in making the decision on the applicable Commission paper. As such, the vote will not be counted in either determining the action of the Commission or the presence of a quorum.

2. Basis for Determining Voting Results

The following rules are applied in determining the Commission voting results:

- a) a quorum is required to act.
- b) a quorum consists of those Commissioners participating (yes votes plus no votes plus the number of those voting to abstain which may be required to constitute a quorum).
- c) action is based on the majority of those participating (yes votes plus no votes plus the abstain votes used for quorum purposes).

When "No Action" results, the SECY paper will be returned to the originating office without action.

3. Recording of Commission Decisions

SECY records Commission decisions in the form of SECY memoranda or Commission Orders to staff which the staff receives two to three days after the meeting. These include a basic statement of Commission action on the recommendation(s) of a paper and an expression of individual Commissioners' views when appropriate. Requirements for additional action by the staff are also included with appropriate action dates. Short term actions will be tracked by EDO:ACB by EDO Control ticket and long-term actions in WITS. (See Chapter VII for discussion of WITS.)

(Sample Briefing Outline)

BRIEFING ON NRC
INSPECTION AND ENFORCEMENT STUDY ACTIVITIES

PURPOSE

The purpose of this briefing is to provide the NRC Commissioners with information on those near-term and long-term IE study activities directed toward determining how much and what type of inspection and enforcement activity is enough to properly support the NRC mission.

SCOPE

The briefing will present an overview of the coordinated study activities within IE, describing the current list of planned in-house and contractual activities, resource requirements, and related on-going efforts.

BRIEFING OUTLINE

- I. Introduction
- II. Purpose, Methodology and Approach
- III. Dimensions of the Study
- IV. Study Subsystems and Modules
 - A. Policy Studies
 - B. Studies of IE Techniques
 - C. Resource Allocation Methodology

HISTORY - GENERAL

- PROPOSED CLEARANCE RULE PUBLISHED FOR COMMENT (1977)
- COMMISSION ESTABLISHED HEARING BOARD (1978)
- BOARD RECOMMENDED (1979)/AND COMMISSION DIRECTED (1980)
 - DEVELOP AN ACCESS AUTHORIZATION RULE FOR
POWER REACTORS - INDUSTRY RUN PROGRAM
- SAFETY/SAFEGUARDS REVIEW COMMITTEE (1982/1983)
- GAO REPORT (1983)

- SEARCH AND VITAL AREA CONTROL ISSUES (1977-1983)

(Sample Viewgraph)

(Name, Office)
(Tele No.)

(Date)

GUIDELINES FOR MARKING AND WITHHOLDING MATERIAL FROM PUBLIC DISCLOSURE

A. Material considered appropriate for withholding from public disclosure includes:

1. Information specifically authorized by Executive Order to be kept secret in the interest of national defense or foreign policy and in fact classified pursuant to an Executive Order (exemption 1 of the Freedom of Information Act). Such information includes, for example:
 - a. documents containing information concerning measures for the physical protection of significant quantities of strategic nuclear material;
 - b. documents containing information concerning measures for the physical protection of nuclear facilities (i.e., production or utilization facilities or any other facilities or activities) involving such material provided that the disclosure of such information may be reasonably expected to facilitate theft, diversion or sabotage; and
 - c. documents containing information concerning control and accounting procedures for significant quantities of strategic nuclear material, including but not limited to inventory discrepancy data generated under such procedures. This information shall remain classified for at least a period of six months after it is generated, or any longer period of active ongoing investigation. At the expiration of six months or the conclusion of a related investigation, whichever is later, such data may be declassified.
2. Material specifically exempted from disclosure by a Federal statute other than the FOIA, such as Restricted Data (exemption 3 of the FOIA).
3. Trade secrets and commercial or financial information obtained from a person and privileged or confidential (exemption 4 of the FOIA). Such information includes, for example:
 - a. documents furnished to the NRC and determined to be "proprietary" under 10 CFR 2.790(b);
 - b. other documents furnished to the NRC containing "company proprietary" information;

- c. documents which identify a licensee's (or applicant's) procedures for safeguarding licensed special nuclear material (plutonium, uranium-233, or uranium-235 enriched above 20%; and
 - d. documents which identify a licensee's (or applicant's) detailed security measures for the physical protection of a licensed facility or plant in which licensed special nuclear material is possessed or used.
- 4. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (exemption 6 of the FOIA).
 - 5. Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel (exemption 7 of the FOIA).

B. Markings of such information should be as follows:

- (1) Security classification markings made in accordance with NRC Appendix 2101, Part III.
- (2) Official Use Only, Proprietary Information and Safeguards Information markings made in accordance with NRC Appendix 2101, Parts IV, XVI and XVII.
- (3) With other markings specifying the basis for withholding from public disclosure (for example, "Exempt from disclosure under FOIA exemption ____ because"), the name and position title of the person authorizing such marking, and the date on which the marking was authorized.



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

MEMORANDUM FOR: Samuel J. Chilk, Secretary of the Commission
FROM: William J. Dircks, Executive Director for Operations
SUBJECT: [Title of Paper]

It is recommended that the subject paper be scheduled for a closed meeting in accordance with the following Sunshine Act exemption(s):

[List number of exemption(s).]

[Statement describing how specific exemption(s) apply to the subject item.]

[Statement as to why public interest would be furthered by a closed meeting.]

[List attendees, both NRC and external, if known.]

William J. Dircks
Executive Director
for Operations

(Sample Commissioner Vote Sheet)

cc: Dircks
Roe

NOTATION VOTE

RESPONSE SHEET

JShea, IP
FYI
TRehm

(copies
provided
by EDO)

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: CHAIRMAN PALLADINO

SUBJECT: SECY-83-388 - PROPOSED EXPORT OF REPROCESSING INFORMATION
UNDER PART 810 TO WEST GERMANY

APPROVED ✓ DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

N. J. Palladino
SIGNATURE
9/26/83
DATE

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

06/24/85

NRC-SECY FORM DEC. 80

IV-16

EXHIBIT 5

(QUESTION INSTRUCTIONS AND FORMAT)

QUESTION 6. (B) WHAT ARE THE PROCEDURES FOR PREPARING AND TRANSMITTING RESPONSES TO RM OR THE APPROPRIATE OFFICE?

ANSWER.

WHEN A QUESTION IS ASSIGNED TO MORE THAN ONE OFFICE -- FOR INSTANCE, NRR/RES/NMSS -- THE FIRST OFFICE LISTED IS RESPONSIBLE FOR SUBMITTING A REPLY THAT HAS BEEN COORDINATED WITH THE OTHER OFFICES. THE SECONDARY OFFICES SHOULD SEND THEIR INPUT TO THE ANSWER TO THE PRIMARY OFFICE.

THE PRIMARY OFFICE ASSIGNED WILL THEN TRANSMIT VIA DATA PHONE THE FINAL COORDINATED STAFF RESPONSE TO THE APPROPRIATE RM OR OTHER OFFICE WORD PROCESSING CONTACT.

WHEN THE PRIMARY OFFICE ASSIGNED DOES NOT HAVE WORD PROCESSING EQUIPMENT AVAILABLE TO THEM, PROVIDE THE ORIGINAL (EVEN IF IT IS CUT-AND-PASTE) AND ONE COPY (EACH WITH ANY ATTACHMENTS) TO RM OR THE APPROPRIATE OFFICE.

WHERE MAG CARDS HAVE BEEN PREPARED AND DATA COMMUNICATIONS ARE NOT AVAILABLE, PROVIDE THE ORIGINAL AND ONE COPY AND THE MAG CARDS (APPROPRIATELY INDEXED) TO RM OR THE APPROPRIATE OFFICE.

SIMPSON/EDO
[DATE]

C. Congressional Testimony

Testimony for Congressional Hearings should be typed on word processing equipment in double space on bond paper using a speechwriter element (orator or rhetoric). One copy of the testimony is to be provided to EDO for forwarding to OCA. OCA will obtain any Commission comments and coordinate revisions with staff and EDO. OCA will prepare final testimony or request staff to do so. See Exhibit 3 for sample EDO and Chairman testimony.

D. Congressional Hearing Transcripts and Inserts for the Record

Congressional transcripts for editing of staff's remarks are forwarded by OCA to EDO or direct to staff appearing at the hearing. Involved staff are to edit their remarks by marking up the transcript and forwarding direct to OCA. If there are no comments or they are minor, a call to OCA will be sufficient. Inserts for the record which are required will usually be noted, but staff should double check. When required, inserts should be sent to EDO for review and forwarding to OCA. See Exhibit 4 for a sample "Insert for the Record."

E. Congressional Correspondence

Letters from Congress are Principal Correspondence and should be prepared in accordance with the instructions in Chapter II, Correspondence. Refer also to NRC Manual Chapter 0240, Correspondence Management.

F. Procedures for Handling Legislation and Executive Orders

1. New Legislation

a. Requests for new legislation will be dealt with in two categories:

- (i) As required. When a specific need is identified that is important and urgent, staff will notify the Commission, justifying the need and outlining the requirements. On

MEMBERSHIP AND ADDRESSES OF
NRC OVERSIGHT COMMITTEES

On matters related to NRC activities generally, all correspondence should be addressed to:

PRINCIPAL OVERSIGHT COMMITTEES

The Honorable Alan Simpson, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

cc: Sen. Gary Hart

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Manuel Lujan

The Honorable Edward J. Markey, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Carlos Moorhead

Or. matters related to budget, correspondence should also be addressed to:

The Honorable Tom Beville, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

cc: Rep. John Myers

The Honorable Mark Hatfield, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

cc: Sen. J. Bennett Johnston

On matters related to international affairs, correspondence should also be addressed to:

The Honorable Dante B. Fascell, Chairman
Committee on Foreign Affairs
United States House of Representatives
Washington, D.C. 20515

cc: Rep. William S. Broomfield

The Honorable Richard G. Lugar, Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

cc: Sen. Claiborne Pell

The Honorable Thad Cochran, Chairman
Subcommittee on Energy, Nuclear Proliferation
and Government Processes
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

cc: Sen. John Glenn

On matters related to NRC's research program, correspondence should also be addressed to:

The Honorable Marilyn Lloyd, Chairman
Subcommittee on Energy Research and Production
Committee on Science and Technology
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Sid Morrison

The following Subcommittees have interface with NRC and, depending on the subject matter, should be kept informed of significant NRC actions and activities:

The Honorable John Dingell, Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

cc: Rep. James T. Broyhill

The Honorable Mike Synar, Chairman
Subcommittee on Environment, Energy and Natural Resources
Committee on Government Operations
United States House of Representatives
Washington, D.C. 20515

cc: Rep. William F. Clinger, Jr.

The Honorable James Weaver, Chairman
Subcommittee on General Oversight, Northwest
Power, and Forestry Management
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Charles Pashayan, Jr.

All should be addressed as "Dear Mr. Chairman:" or "Dear Madam Chairman:" as appropriate.

PREPARED TESTIMONY
SUBMITTED BY
UNITED STATES NUCLEAR REGULATORY COMMISSION
PRESENTED BY
NUNZIO J. PALLADINO, CHAIRMAN
TO THE
SUBCOMMITTEE ON ENERGY CONSERVATION AND POWER
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
CONCERNING THE NUCLEAR POWER PLANT
LICENSING REFORM ACT OF 1983

SUBMITTED: SEPTEMBER 23, 1983

THANK YOU MR. CHAIRMAN, I AM PLEASED TO APPEAR BEFORE YOU AND YOUR SUBCOMMITTEE TODAY FOR THE PURPOSE OF DISCUSSING THE "NUCLEAR POWER PLANT LICENSING REFORM ACT OF 1983." SEVERAL OF MY FELLOW COMMISSIONERS AND SENIOR MEMBERS OF THE NRC STAFF ACCOMPANY ME TODAY. BEFORE BEGINNING OUR TESTIMONY, I WOULD LIKE TO THANK THE CHAIRMAN FOR EXPEDITIOUSLY HOLDING HEARINGS ON THIS SUBJECT.

THE CURRENT NRC LICENSING PROCESS HAS NOT CHANGED SUBSTANTIALLY SINCE IT WAS ORIGINALLY ENACTED 29 YEARS AGO IN THE ATOMIC ENERGY ACT. THAT LICENSING PROCESS WAS A PRUDENT COURSE TO FOLLOW WHEN THE NUCLEAR POWER INDUSTRY WAS IN ITS EARLY CONCEPTUAL AND DEVELOPMENT YEARS. IN THE EARLY YEARS THERE WERE MANY FIRST-TIME NUCLEAR PLANT APPLICANTS, DESIGNERS AND CONSTRUCTORS, AND MANY NOVEL DESIGN CONCEPTS. ACCORDINGLY, THE PROCESS WAS STRUCTURED TO ALLOW LICENSING DECISIONS TO BE MADE WHILE DESIGN WORK WAS STILL IN PROGRESS AND TO FOCUS ON CASE-SPECIFIC REVIEWS OF INDIVIDUAL PLANT-SITE CONSIDERATIONS.

Sample Insert for the Record

INSERT FOR THE RECORD
HOUSE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS HEARING
ON EMERGENCY PREPAREDNESS
[DATE OF HEARING]

Insert for page 56, line 1293

At the hearing before the Subcommittee on Oversight and Investigations held on July 8, 1983 concerning emergency preparedness at the San Onofre Nuclear Generating Station, a question was raised regarding evacuation time estimates. In response, reference was made to portions of the Atomic Safety and Licensing Board's Initial Decision of May 1982, which reflects the determination of the maximum evacuation time estimate as ranging from approximately two and one-half hours under optimal conditions to approximately seven and one-quarter hours under adverse weather conditions. A copy of relevant sections of that Decision is attached.

A review of documents after the submission of the Commission's testimony for the August 2nd hearing disclosed that an additional evacuation estimate was prepared by the licensee, Southern California Edison, in the context of addressing the complicating effects of earthquakes on emergency preparedness. In light of the Commission's decision which foreclosed consideration of this issue by the Licensing Board, however, that time estimate was not addressed in the Licensing Board's Initial Decision. Nevertheless, it had been considered by the Staff in its safety evaluation of the facility which was completed prior to the Commission's decision. SCE's evaluation concludes that under severe evacuation route disruption, evacuation of the 10-mile north sector could require up to 15 hours. A copy of the pertinent page of the Staff's evaluation, contained in Supplement No. 3 to the Safety Evaluation Report, NUREG-0712, is enclosed for your information and inclusion in the hearing record.

Attachments:
As stated

VI. PROCEDURES FOR RESPONDING TO GAO REQUESTS AND REPORTS AND OIA AUDIT REPORTS

- A. Introduction
- B. GAO Audits
 - 1. Initial Contact
 - 2. Preliminary Survey - Quick Data Gathering
 - 3. The Audit
- C. Draft GAO Report
- D. Final GAO Report
 - 1. Initial Contact
 - 2. Suspense Dates
 - 3. 60-Day Response Requirement
 - 4. Format and Content
- E. Annual Compilation of NRC Actions Taken on Comptroller General Recommendations
- F. Follow-up
- G. OIA Audit Reports

Exhibits

VI. PROCEDURES FOR RESPONDING TO GAO REQUESTS AND REPORTS AND OIA AUDIT REPORTS

A. INTRODUCTION

One of the General Accounting Office's (GAO) principal functions is to audit program activities, financial transactions, and accounts of the Federal Government agencies, and to report to the Congress and the audited agencies its audit results.

An audit may be initiated in response to Congressional inquiries, private citizen requests, or due to GAO-identified needs. A GAO draft report on its audit findings is sent to the audited agency for comment. The final report usually contains recommendations that require actions to be taken by the agency.

The purpose of this procedure is to explain GAO's auditing procedures and to provide NRC staff guidance for interaction with GAO during its activities within NRC.

B. GAO AUDITS

1. Initial Contact

Effective April 1, 1985, the responsibility for coordinating GAO's activities within NRC was transferred from the Office of Inspector and Auditor (OIA) to the Office of the Executive Director for Operations (EDO). The NRC point of contact with GAO is the Assistant for Operations, EDO. Prior to initiating any planned work, GAO will inform EDO of their intention, purpose, scope, etc. EDO, in turn, notifies the Commission, Commission offices, and arranges for an entrance conference, if necessary, attended by GAO, EDO, and offices affected by the audit (as determined and notified by the EDO). During this conference, GAO will brief the NRC staff

on its audit objectives, method of operation, schedule, etc. NRC participants will provide GAO with a brief overview of how their operations relate to GAO's identical interests and the current status of the area to be audited. The NRC points of contact for the audit are established by the EDO in this meeting.

2. Preliminary Survey - Quick Data Gathering

Occasionally, GAO may wish to gather certain background information in as short a time as possible for planning succeeding phases of the audit. An entrance conference may not be needed if it is clear as to which office can best provide the needed data. EDO may ask GAO to contact directly designated persons in the Office in question.

3. The Audit

After the initial contact, GAO will contact offices directly for needed records or information throughout the office process. However, GAO will notify EDO of any deviations from stated audit objectives, or any problems or policy issues that arise during the course of an audit. EDO should be advised by offices in all instances in which information requested by GAO includes classified or proprietary information. Classified information should be handled within established procedures; i.e., need to know determined and security clearance verified. If classified material is related to the audit, that generally constitutes a "need to know." Questions should be referred to EDO.

4. EDO issues a quarterly report on the status of all ongoing GAO activities concerning NRC operations to the Chairman, Commissioners, and Office Directors.

C. GAO DRAFT REPORT

1. Twenty-five (25) copies of the GAO draft audit reports are sent to EDO for NRC's review and comment. EDO immediately distributes copies to the Commission and its staff offices (OPE, OCA, etc.).
2. Depending on the subject of the draft report, appropriate offices are assigned by the EDO, through its EDO Control ticket system, to review and comment on the report. A suspense date is indicated on the Control ticket.
3. OEDO determines, after discussion with offices, whether a meeting with GAO is desirable in order to clarify facts, contest conclusions, etc.
 - a. If a meeting is scheduled, a lead office will be assigned to mark up a copy of the draft report. NRC does not attend GAO meetings without a coordinated view. Such mark-up will consolidate the comments of all offices concerned, and a cover sheet summarizing the major points of issue will be included. The package will be furnished to GAO at the meeting.
 - b. If no meeting is required (or upon receipt of a revised draft), a lead office will be designated to prepare a consolidated staff response to the GAO Director for EDO signature. The content of the letter should address any major facts, findings, or conclusions with which the staff finds difficulties, either factual or policy reasons, and should be in accord with the anticipated Commission response to the recommendations (see D.3.). If the staff has no differences in the draft, the letter need merely so

state. This letter will normally be published in the final GAO report as an appendix. (See Exhibit 1 for example.)

- c. The draft letter will be sent by OEDO to the Office of the Chairman for review.
4. NRC is normally given 30 days to respond to a draft GAO report. If more than 30 days is required, Public Law 96-226 requires that the Chairman request exemptions from the Comptroller General and limits extensions to 30 additional days. Staff is, therefore, expected to meet deadlines.
5. On some occasions, GAO may request NRC comments in less than 30 days. In these instances, on a case-by-case basis, EDO will determine the best method for handling the request. If a meeting is set up for the NRC staff to offer oral comments to GAO, GAO will forward a copy of the meeting minutes or a revised draft to EDO as soon as possible to ensure that the oral comments have been accurately interpreted by GAO.

D. GAO FINAL REPORT

1. Initial Contact

GAO provides EDO with twenty-five (25) copies of the final report. EDO will make distribution to the Commissioners and the appropriate NRC offices (e.g., those that reviewed and commented on the draft report).

2. Suspense Dates

In its memorandum distributing the final GAO report, EDO indicates the dates by which the draft response should be sent to the Commission and by which the response is due at the Congressional Committees. EDO assigns to appropriate offices, by EDO Control ticket, the task of preparing the draft statements. EDO usually allows the offices about 30 days. Overdue responses are also monitored by EDO by means of the quarterly GAO status report.

3. 60-Day Response Requirement

If the final GAO report contains recommendations to NRC or to Heads of Federal Agencies, the Chairman is required to submit to the Congress a written statement on the actions taken within 60 days of the date of the report. EDO is responsible for coordinating and finalizing the responses to GAO, OMB, and Congressional Committees.

4. Format and Content

- a. Response should be in the form of a Notation Vote paper with forwarding letters to Congressional Committees, GAO, and OMB from the Chairman, NRC. This response is a Commission (as opposed to a staff) response and should stand by itself separately from staff comments on the draft.
- b. Substance should include such introductory comments as the NRC should make to correct findings or to contest conclusions. Each recommendation should be addressed, indicating NRC concurrence, non-concurrence, or that action is complete. A brief description of either why NRC does not

concur, or the action we propose to undertake/have undertaken, and a date for completion of action should be included if that is relevant.

- c. An example is attached as Exhibit 2. Appropriate addresses are listed at Exhibit 3.

E. ANNUAL COMPILATION OF NRC ACTIONS TAKEN ON COMPTROLLER GENERAL RECOMMENDATIONS

Section 236 of the Legislative Reorganization Act requires NRC to submit an annual statement to the House and Senate Appropriations Committees summarizing NRC actions taken during that calendar year on all GAO report recommendations made no more than 60 days before NRC's first request for appropriations. Significant actions taken on GAO reports issued in prior years are also included in this statement. The statement is compiled by RM, based on all 60-day response letters prepared during the year. RM then circulates this statement to the operating offices for updating. The annual compilation is due to the Committees each year with NRC's first request for appropriations.

F. FOLLOW-UP

Each recommendation for which NRC has committed action will be entered in WITS and followed to completion.

G. OIA Audit Reports

The Office of Inspector and Auditor is responsible for conducting NRC internal audit activity at all levels of operation. Once OIA completes its audit, a draft report is forwarded to the EDO soliciting comments on the recommendations in the report prior to finalizing and sending it

to the Commission. Comments are required within 30 days of the date of the report.

EDO forwards the report to the appropriate Office by EDO control ticket to prepare a response to OIA for EDO's signature. See Exhibit 4. Each recommendation in the report must be addressed. All open items will be entered in WITS and followed to completion.

Sample Letter to Congress Forwarding NRC Response
to Final GAO Report

The Honorable William V. Roth, Jr.
Chairman, Committee on Governmental
Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the statutory obligation to respond to recommendations by the General Accounting Office (GAO) within 60 days of publication, we hereby submit our responses to the recommendations made by the GAO in their report entitled, "The Problem of Disposing of Nuclear Low-Level Waste: Where Do We Go From Here?"

The Commission in its responses to several GAO recommendations (Item Nos. 3, 4 and 7 of the Enclosure) believes that the protection of the public health and safety could be enhanced through legislation that would establish minimum technical and procedural standards for the development and operation of low-level waste disposal sites. This legislation should assure that uniform minimum national standards are followed in these areas for both Agreement and non-Agreement States. Over the past year the Commission has testified before several Congressional Committees in favor of such legislation.

Specific comments on the GAO recommendations are presented in the Enclosure.

Sincerely,

(Name)
Chairman

Enclosure:
Responses to GAO Recommendations

cc: Sen. Thomas F. Eagleton

IDENTICAL LETTERS TO THOSE ON ENCLOSED LIST

The Honorable Jack Brooks, Chairman
Committee on Government Operations
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Frank Horton

The Honorable Alan Simpson, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

cc: Sen. Gary Hart

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Manuel Lujan

The Honorable Edward J. Markey, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

cc: Rep. Carlos Moorhead

The Honorable Charles A. Bowsher
Comptroller General of the United States
General Accounting Office
Washington, D.C. 20548

The Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

VIII. MISCELLANEOUS

- A. Resolution of Inter- and Intra-Office Differences
- B. Keeping the Commission Informed
- C. Communications Between Staff and Commissioners' Offices
- D. Communication of Staff Concerns to Management
- E. MOU Between ACRS and EDO
- F. Coordination of ACRS Full Committee Meetings
- G. Policy on the Distribution of Draft Inspection Reports and
Policy on Control of NRC Reports and other Documents
- H. Policy in regard to Dealing with those who provide Information
to the NRC and Release of Information to Licensees.
- I. Statement of Policy: Handling of Late Allegations
- J. Procedures in Dealing with FBI/Department of Justice
- K. Distribution of OI Investigation Reports
- L. Public Speaking Engagements
- M. Policy and Procedures for Direct Distribution of Proposed
and Effective Regulations to Licensees and Other
Interested Persons
- N. Procedures for Foreign Travel

O. International Technical Assistance Activities

P. Use of Blue Bag Service

Exhibits

VIII. MISCELLANEOUS

A. Resolution of Inter- and Intra-Office Differences

Office Directors and Regional Administrators are expected to have the necessary mechanisms in place to assure that they are made aware of differences which are being worked out with other offices, as well as of conflicting opinions within their own offices. When advised that difficulties in resolution will/may affect a suspense date, either Office or Division Directors must become involved with their counterpart. If this is not effective, the Office must make a prompt decision either to bring the issue to the attention of the EDO or, if a Commission paper is involved, to outline the difference with a non-concurrence by one or more parties.

B. Keeping the Commission Informed

In "keeping the Commission advised," it is desirable to communicate in writing in order to eliminate possible misperceptions.

The "non crisis" method of notification is via the Daily Staff Notes. The "crisis" method is to use datafax facilities. The "Preliminary Notification" developed by IE is a good example and can be used in preference to or as supplementary to phone calls. (See Exhibit 1.)

C. Communications Between Staff and Commissioners' Offices

Any member of the NRC staff should feel free to contact a Commissioner's office to provide factual information or notice of forthcoming events concerning items known or believed to be of interest to that Commissioner. Contacts initiated by Commissioners' offices requesting factual information should be answered directly without hesitation. It

is normally expected that, in either case, the staff member's immediate supervisor will be informed promptly about contacts of substance; the supervisor should, in turn, advise upper management as appropriate. Responses which involve significant staff efforts or that represent office views on policy should be made in accordance with established NRC procedures. See Chapter III.

D. Communication of Staff Concerns to Management

NRC employees are urged to communicate their safety, safeguards, environmental or antitrust concerns to their management (supervisor) without fear of adverse effects on their careers. This communication is very important in allowing NRC to accomplish its mandate to (1) protect the public health and safety, (2) protect the environment, (3) protect and safeguard nuclear materials and plants in the interest of national security, and (4) assure conformity with antitrust laws. This communication is endorsed by NRC policy and is strongly supported by NRC Commissioners and management. Office Directors and Regional Administrators are to emphasize this policy to their management and staff.

E. Memorandum of Understanding Between the Advisory Committee on Reactor Safeguards (ACRS) and NRC Staff - Executive Director for Operations (EDO)

A Memorandum of Understanding between the ACRS and EDO was issued effective June 15, 1983 (modified August 15, 1983), to establish procedures for ACRS participation in major NRC policy and rulemaking activities of the NRC at a sufficiently early stage to permit constructive interaction during formulation of safety related rules or policy statements. See Exhibit 2 for a copy of the MOU.

F. Coordination of ACRS Full Committee Meetings

The following procedures have been established to provide for centralization of the process of forwarding issues to ACRS for consideration at Full Committee Meetings.

On the first business day after the 4th of each month, Offices should provide to AO/EDO a projection of items to be presented to the Full Committee for the next 3 monthly meetings (e.g., on July 5 for meetings in August, September and October). No report is required if no topics are to be submitted. Provide information for each month in format shown in Exhibit 3. General guidance for what issues are relevant for ACRS consideration and for generally keeping ACRS informed is contained in the ACRS/EDO Memorandum of Understanding.

ACRS has indicated that they will provide EDO a list of items they propose for consideration by the 1st of each month. When that is received, it will be provided to those concerned.

G. Policy on the Distribution of Draft Inspection and Investigation Reports and Policy on Control of NRC Reports and Other Documents

On October 7, 1983, the EDO issued a policy statement on distribution of draft inspection and investigative reports. Additionally a general policy statement that addresses the release of all NRC reports and other documents either in draft or final form was issued on December 3, 1984. These policies are contained in Exhibit 4.

H. Policy in regard to Dealing with those who Provide Information to the NRC and Release of Information to Licensees

Procedures regarding these matters were issued by the EDO on January 6, 1984 and April 24, 1984. See Exhibit 8. These procedures are also addressed in proposed NRC Manual Chapter 0517, "Management of Allegations" issued to Office Directors and Regional Administrators on September 19, 1984.

I. Statement of Policy: Handling of Late Allegations

This Commission published a policy statement on the handling of late allegations in the Federal Register on March 19, 1985. See Exhibit 6. This policy statement will be incorporated in Manual Chapter 0517 "Management of Allegations" which will be finalized when the Commission reaches a decision on the issue of confidentiality.

J. Procedures in Dealing with FBI/Department of Justice

See procedures issued on October 24, 1983, at Exhibit 7.

K. Distribution of OI Investigation Reports

In order to avoid the unintended release of correspondence or material pertaining to an OI investigation report, such material should not be entered by staff into the Document Control System (DCS) or sent to NRC Central Files or PDR without coordination with OI. Offices are responsible for ensuring that procedures are in effect to comply with this requirement.

L. Public Speaking Engagements

1. Speaking engagements are necessary to communicate to the public and industry NRC's regulatory role and positions. Managers should approach the Office of Public Affairs for advice when necessary.
2. Management should make careful judgment to assure that speeches take on a regulatory stance which cannot be misconstrued as one of proponent/opponent of nuclear power. Meetings which suggest a "debate" between "pro" and "anti" nuclear speakers should be approached cautiously, as identification with one side or another of the issue is difficult to avoid.

3. It is management's responsibility to approve speaking engagements on the part of staff personnel.

a. Office Directors/Regional Administrators may set up their own procedures for review.

b. EDO will approve the speeches of Office Directors and Regional Administrators which deal with significant issues, new policy or new policy implementation. They will be submitted to EDO, ATTN: AO/EDO, 3-7 days before approval is needed. Those which deal with routine matters need not be submitted.

4. Forthcoming public speaking engagements are listed in the EDO Weekly Information Report.

M. Policy and Procedures For Direct Distribution of Proposed and Effective Regulations to Licensees and Other Interested Persons

1. Policy

a. All substantive ^{1/} proposed and effective regulations will be mailed to affected licensees and other known interested persons. "Interested persons" includes, for example, standards writing groups, trade associations, trade publications likely to be read by affected licensees, public interest groups, persons who commented on a proposed rule, and other persons who have expressed an interest in the regulation.

^{1/} In those cases where the amendment is considered minor and does not affect the public health or safety, or NRC's regulatory requirements, e.g., inconsequential grammar, address, or title changes, the task leader should seek his/her Division Director's approval to forego the direct mailing in the interest of economy.

- b. Commission papers recommending proposed or effective regulations will contain a statement that affected licensees and other interested persons will receive a copy of the amendment by direct mail.
- c. The task leader responsible for the development of a regulation will be responsible for assuring that copies of the final rule are made available to persons who commented on the proposed rule.
- d. In the case of a regulation affecting Agreement State licensees, the Office of State Programs will inform the Agreement States of such.

2. Procedures

Effective immediately, as a service to the program offices, the Office of Administration will assume responsibility for distributing each proposed and final rule to affected licensees and other interested persons maintained on computer based mailing lists. As soon as a rule is published in the Federal Register, the Rules and Procedures Branch, DRR, ADM will forward a copy of the published notice to the Document Management Branch which will distribute it to the proper persons. If a particular rulemaking proceeding has generated public comments, the program office will continue to be responsible for mailing copies of the notice to the commenters. In the event of special distribution considerations, the contact person should contact the Chief, Document Management Branch, TIDC, on extension 49-28585.

The notation section of a Commission paper accompanying a rulemaking notice should contain this paragraph:

Copies of this notice will be distributed to affected licensees and other interested persons by the Office of Administration.

N. Procedures for Foreign Travel

Procedures for approval of foreign travel apply to all NRC employees and NRC contractors. Administrative approval of foreign travel via Form 445 should be requested during the early stages of planning for a trip and not during the last week before a trip begins. NRC Form 445 should be forwarded to the Office of International Programs/Travel/EDO 30 days before the begin date of the travel. Forms submitted later than 30 days prior should have an explanation for the delay accompany the form.

Foreign travel related to meetings, symposia or conferences external to OECD countries must be approved by EDO (thru IP) before the traveler commits to the event. This approval should normally be requested by memo, to EDO thru IP, as soon as the event is known. When IP receives a general invitation directly, they will evaluate the importance of the event and recommend to the EDO before soliciting attendance.

All foreign trips of any nature will include a justification in the remarks section if more than one person is involved in all or part of the travel involved. Office Directors and Regional Administrators should include on each request the names of all known travelers (NRC employees and contractors) sponsored by their office that will be making the same trips. IP will inform EDO as to the total number of travelers from all NRC offices and contractors that plan to make the same trip. When subsequent requests are received for other travelers to make the same trip, it may be necessary to review the initial approval and make changes accordingly.

O. International Technical Assistance Activities

International Programs (IP) publishes on a monthly basis a status report on NRC International Technical Assistance Activities. NRC will support such activities as long as they contribute to safety, have a potential for feedback of information to NRC, and do not pose an

unacceptable burden on staff resources. If the program office feels it necessary to turn down a request for assistance, IP should be provided with possible alternative approaches, e.g., the use of qualified non-NRC personnel. If there are questions on these matters, the issue should be referred to the EDO who will review the report monthly to assure that the overall situation remains in bounds.

P. Use of Blue Bag Service

NRC blue bag service is available for delivery of urgent correspondence between NRC Headquarters locations. The use of this service is limited to Office Directors and above and requires the written authorization of an official at the level of Division Director or above on Form NRC-234, "Blue Bag Mail Service" card. (See Exhibit 8.)

Note that the card is signed at both the sending and receiving offices. Thus, the card also serves as the proof of delivery. However, if you simply need proof of delivery for non-urgent communications, use NRC Form 253, "Messenger/Courier Receipt" (Exhibit 8) instead of the Blue Bag Service. Both of the forms can be obtained through NRC supply rooms or by submitting a requisition to the Warehouse.

Unclassified correspondence to be placed in a Blue Bag should be taken to the Mail Room servicing the sender's building or given to the mail person servicing the office, along with the completed Form 234. The correspondence will be placed in a blue bag and delivered to its destination on the next available mode of transportation, i.e., Special Messenger, Mail Shuttle, Passenger Shuttle, or hand-carried.

Classified material must be transported by authorized messenger only and prepared in accordance with established security procedures. See NRC Appendix 2101, Part III. The Form NRC-234 must indicate the classification of the document, i.e., Secret or Confidential. In addition, an NRC Form-253 must be completed and accompany the classified Blue Bag material. If secret material is transmitted, NRC Form 126, "Classified Document Receipt" is required. (See Exhibit 9.)

Blue Bags should not be retained in individual offices; they should be returned to the Mail Room or the mail person delivering the material after the Form 234 has been signed by the recipient and the contents removed.

Any questions concerning the Blue Bag services should be directed to the Chief, Mail and Messenger Branch (X-27485).

SAMPLE PRELIMINARY NOTIFICATION
PRELIMINARY NOTIFICATION

PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE PNO-V-81-07

February 5, 1981

This preliminary notification constitutes EARLY notice of events of POSSIBLE safety or public interest significance. The information presented is as initially received without verification or evaluation and is basically all that is known by IE staff on this date.

FACILITY: University of Hawaii
Honolulu, Hawaii
Licensee No. 53-00017-23

SUBJECT: NEWS MEDIA INTEREST IN OCEAN DISPOSAL

Region V received a telephone inquiry from a staff member of the Hawaii State Senate Environment Committee. The staff member stated that a headline story appeared in a Honolulu newspaper yesterday evening (02/04/81) describing ocean disposal of radioactive waste by the University of Hawaii. The staff member was anticipating that the news article will generate interest and he wanted to gather some background information for members of the Senate Environment Committee. Region V provided information on the general subject of sea disposal, the relative hazards that could be expected from the University of Hawaii's disposals, the responsibilities for military disposals versus commercial disposals and EPA's role in sea disposal. The University of Hawaii had made sea disposals during the period of 1954 to 1970. The total activity was probably less than 100 mCi of byproduct materials.

Region V was notified of this situation by a telephone call from a staff member of the Hawaii State Senate Environment Committee at 10:20 a.m. on February 5, 1981.

This Preliminary Notification is for information only. No further action is planned by Region V.

CONTACT: F. Wenslawski, 463-3757
H. Book, 463-3755

Distribution:
Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy

Transmitted H. St. 2:25p.

Commissioner Hendrie
Commissioner Bradford
ACRS

S. J. Chilk, SECY
C. C. Kammerer, CA
(For Distribution)

Transmitted: MNBB
W. J. Dircks, EDO
C. Michelson, AEOD
J. J. Fouchard, PA
N. M. Haller, MPA
R. G. Ryan, SP
H. K. Shapar, ELD

P. Bldg.
H. R. Denton, NRR
R. H. Vollmer, NRR
R. J. Mattson, NRR
D. F. Ross, NRR
D. Eisenhut, NRR
S. H. Hanauer, NRR

IE:X00S (IE:HQ Dist)
Landow (6 min/page)
J. J. Cummings, OIA

MAIL
R. Minogue, SD
XI:X00S
Document Mgt. Br. (For
PDR/LPDR)

Regional Offices

Willste Bldg.
J. G. Davis, NMSS
R. J. Budnitz, RES

RV Form 211

06/24/85

PRELIMINARY INFORMATION

EXHIBIT 1

VIII-13

MEMORANDUM OF UNDERSTANDING

PARTIES: Advisory Committee on Reactor Safeguards (ACRS) - ACRS Chairman;
NRC Staff - Executive Director for Operations

SUBJECT: ACRS PARTICIPATION IN NRC RULEMAKING AND POLICY MATTERS

The purpose of this memorandum is to establish procedures for ACRS participation in major NRC policy and rulemaking activities of the NRC at a sufficiently early stage to permit constructive interaction during formulation of safety related rules or policy statements.

The following has been agreed upon to facilitate ACRS participation in rulemaking and major policy issues involving nuclear safety matters within the purview of the ACRS.

1. Areas of ACRS interest will be identified on behalf of the Committee by the ACRS Executive Director.
2. The NRC Staff will be responsible for ensuring that ACRS comments regarding nuclear safety rules and major nuclear safety policy matters* under development by the NRC Staff are obtained and taken into account at appropriate stages in the development process of these items. This function will normally be the responsibility of the cognizant NRC Staff Office.
3. The Project Engineer supporting the ACRS Regulatory Activities Subcommittee will serve as the ACRS contact for rulemaking and major policy matters. The ACRS Coordinator in the responsible office will be the contact in the NRC Staff.
4. When a proposed rule or a major policy matter involving nuclear safety is under consideration by the NRC Staff for eventual transmission to the Commission, the ACRS should be informed of the anticipated NRC Staff action when the basic requirements are being formulated, and an opportunity for ACRS discussion should be provided. This may be achieved by the ACRS Coordinator/Project Engineer providing ACRS with copies of the pertinent task initiation form (after user office endorsement) or other relevant office documents. Any written reaction by the ACRS on the need for, scope and direction of the proposed task will be considered, and responded to by the EDO.

*A major policy issue is a safety-related matter that must be brought to the attention of the Commissioners and/or requires their action before being implemented.

4. The NRC Staff will provide the ACRS with a status report on proposed rules on a quarterly basis that provides timely information on the status of proposed rules.
5. Normally, ACRS comments on a rule or major policy matter will be provided to the EDO at the following two stages:
 - a. Prior to submittal to the Commission for action regarding publication of a proposed rule or major policy matter for public comment, a hearing, or other action as appropriate. This would normally occur before CRGR review.
 - b. Prior to submittal to the Commission for action regarding implementation of the final rule or major policy matter unless no substantive revisions are made by the staff in preparing the matter for final Commission action. This would normally occur after the public comment period and/or after completion of a related hearing and before CRGR review.

The cognizant NRC Staff office (ACRS Coordinator/Project Engineer) will ensure that schedules for the development of a specific rule or a major policy matter include sufficient time (normally about two months) for ACRS review prior to submittal to CRGR/EDO, as feasible and as required, at both stages.

Twenty-five copies of a rule or major policy matter will be provided to the ACRS for review by the ACRS Coordinator/Project Engineer at the stages identified in paragraph 5a. and b. with a memorandum addressed to the ACRS Executive Director requesting ACRS review and also including a proposed schedule for review and publication, as appropriate. The ACRS Executive Director will keep the EDO informed of the schedule for ACRS comments/recommendations to the EDO.

When sending a rule or major policy matter to the ACRS for review, the Staff office involved (ACRS Coordinator/Project Engineer) will ensure that the ACRS is provided with a copy of other related documents such as differing judgments on technical issues among the NRC Staff, public comments, NRC Staff's resolution of public comments, etc.

6. In addition, ACRS will have the option of reviewing a specific document during its public comment period and at such other times as considered appropriate by the cognizant ACRS Subcommittee. Under such circumstances, the NRC Staff (ACRS Coordinator/Project Engineer) will be informed as early as possible of anticipated ACRS full Committee and Subcommittee activities and will provide the time, to the degree practicable, required for the ACRS input.

3.

7. Ten copies of a rule or major policy matter will also be provided to the ACRS for information by the ACRS Coordinator/Project Engineer at the following stages with a memorandum addressed to the Executive Director, ACRS, indicating that they are sent to ACRS for information:
 - a. When a proposed rule or major policy matter is sufficiently developed for CRGR review and comment (e.g., when a proposed rule or a major policy matter is sent to other NRC offices by the originating office for final review and comment).
 - b. After incorporation of CRGR comments on a proposed rule or a policy matter, when it is sent to the Commission for approval to be published as a Federal Register Notice for public comment.
 - c. After approval by the Commission, when a proposed rule or policy matter is sent to be published as a Federal Register Notice for public comment.
 - d. After CRGR review of a proposed final rule subsequent to the public comment period, when it is sent to the Commission for approval for implementation.
 - e. Final document, when it is sent to be published as an effective rule.
8. All ACRS comments will be forwarded to the EDO with copies to the cognizant Staff office (ACRS Coordinator) and the Commission. The ACRS Coordinator will ensure that copies are provided to appropriate NRC Staff Offices and the EDO will assure consideration of ACRS comments by the NRC Staff. Commission papers will address ACRS comments including those not resolved by the Staff.
9. In particular cases, procedures in this Memorandum of Understanding may be altered consistent with the needs of the Commission or as appropriate in those cases where the ACRS is participating directly in a related rulemaking hearing as outlined in 10 CFR 2.809. The ACRS Chairman or Executive Director should be consulted on such changes.

4.

10. This Memorandum of Understanding will take effect on June 15, 1983. It supersedes the previous Memorandum of Understanding on this subject between the ACRS and the NRC Staff.

5/26/83

(Date)

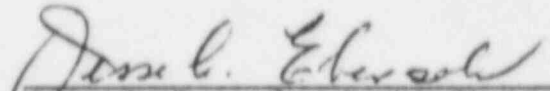


William J. Dircks

Executive Director for Operations

6/6/83

(Date)



Jesse C. Ebersole, Acting Chairman

Advisory Committee on Reactor
Safeguards

ATTACHMENT 2


Areas of ACRS Interest Per Item 1 of Memorandum of Understanding dated June 15, 1983, ACRS Participation in NRC Rulemaking and Policy Matters

For purposes of implementing the MOU noted above, the ACRS has identified the following areas of interest which consist of safety-related rules, proposed rule changes, or Appendices in the areas noted below. Policy matters which impact on safety considerations in these areas are also of interest.

- . Part 20 - Standards for Protection Against Radiation
- . Part 21 - Reporting of Defects and Noncompliance
- . Part 50 - Domestic Licensing of Production and Utilization Facilities
- . Part 55 - Operators' Licenses
- . Part 60 - Disposal of High-Level Radioactive Wastes in Geologic Repositories
- . Part 61 - Licensing Requirements for Land Disposal of Radioactive Waste
- . Part 70 - Domestic Licensing of Special Nuclear Material
- * . Part 71 - Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions
- . Part 72 - Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation
- . Part 73 - Physical Protection of Plants and Materials
- . Part 100- Reactor Site Criteria

With respect to new rules, proposed changes, or Appendices to Part 2 or 51 which impact on safety-related aspects of the regulatory process (e.g., limits on the scope or nature of the safety review process), the ACRS also has an interest to a degree that copies should be provided for information consistent with step 7 of the referenced MOU.

*Deleted by 8-9-83 ACRS
memo and 8-15-83 DEDO memo.



ACRS Executive Director
6/13/83

(Date)

06/24/85

APRIL

<u>Title/Issue</u>	<u>Purpose</u>	<u>Priority</u>	<u>Related Documents</u>
(This should include topics in which we know ACRS has an interest as well as those we wish to put forward on our own volition.)	(Only 3 type entries: "Request ACRS comment," Status Report," Discuss matters of general interest.)	(<u>High</u> : if it is important to staff to deal with it this month;* <u>Medium</u> : if ACRS must eventually deal with it; <u>Low</u> : if staff doesn't need action but is offering the suggestion of a meeting.) *ACRS can handle 3-5 "High Priority" items a month.	(<u>What</u> document(s) not in possession of ACRS now will be available and <u>when</u> will they be forwarded) (If an item requires a closed session, that should be noted.)

Samples

Meeting with a Regional Director	Discuss matters of a general interest	High (EDO)	None
R.G. 8.8 Rev. 4, "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Plants will be As Low As Reasonably Achievable"	Request ACRS Comments	High (RES)	R.G. 8.10, "Operation Philosophy for Maintaining Occupational Radiation Exposures As Low As Reasonably Achievable"
Proposed Revisions to 10 CFR 30, 40, 70 and 72 on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees	Request ACRS concurrence in staff position	High (RES)	Proposed rule and Regulatory Analysis will be provided on 12/15/83
Trends and Patterns Program Plan	Status Report	Medium (AEOD)	Briefing Package (4/1/84)
Implementation of R.G. 1.97	Status Report	Low (NRR)	Briefing Package (4/11/84)

Sample Format - Projection of Items for Full ACRS Meeting

VIII-19

EXHIBIT 3



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

OCT 07 1983

MEMORANDUM FOR: Richard C. DeYoung, Director, IE
Thomas E. Murley, Regional Administrator, RI
James P. O'Reilly, Regional Administrator, RII
James G. Keppler, Regional Administrator, RIII
John T. Collins, Regional Administrator, RIV
John B. Martin, Regional Administrator, RV

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY ON THE DISTRIBUTION OF DRAFT INSPECTION AND
INVESTIGATION REPORTS

I have reviewed your comments with regard to the policy on distribution of draft inspection reports stated in my memoranda of March 24 and July 30, 1982. I have also discussed our policy on release of draft investigation reports with the Directors of OI and OIA.

The primary motivation of this policy statement is to ensure that official NRC documents, and their inspection and investigative conclusions, are published without any taint, either real or perceived, of improper influence by those we regulate. Moreover, we will reinforce policies which strengthen the authority of the NRC field staff to comment freely on safety issues at the preliminary stages of fact collection and evaluation. The basic problem to be addressed by this policy is the fact that licensees shall not be afforded opportunities to modify NRC documents to their advantage outside the public arena.

In order to give suitable consideration to these issues, the policies stated in my memoranda of March 24 and July 30, 1982 are superseded by the following:

A. Objectives

The following statements reflect the basic objectives of this policy statement:

1. To ensure that sufficient flexibility is provided to the Regional Administrators so that they and their staffs will not hesitate to disseminate safety-related information to licensees during the inspection/investigation process, prior to distribution of the final reports, and
2. To ensure that inspection/investigation findings accurately represent the facts collected by, and the conclusions drawn by, the NRC staff, without improper influences by licensees or their agents

on the content and/or conclusions of NRC reports of inspections or investigations.

B. Safety and Security Issue Communications

NRC policy recognizes that nuclear safety and security concerns must be addressed by prompt, positive actions. Accordingly, safety or security information must be promptly and clearly identified to responsible licensee management to obtain prompt licensee evaluation and, if appropriate, safety-related corrective actions. Such clear communications are necessary to maintaining required levels of safety and security at licensed facilities. When such communications are made as a result of concerns that arise during the course of an inspection/investigation, the fact of the communication should be noted in the inspection/investigation report, and a copy of any written communication should be included in the report.

Where approved by regional management, inspectors may, in preparation for exit interviews or enforcement meetings, provide to the licensee a listing of significant issues developed in the course of an inspection, in order to facilitate communication of inspection findings which require corrective action. However, notes, draft reports, draft evaluations, draft notices of violations or non-compliance, or other material containing preliminary inspection conclusions, findings and recommendations are not to be provided to the licensee, except as required by safety or security concerns, as noted above.

Briefing materials prepared by the staff for use in meetings with licensees occasioned by inspection activities should be reviewed by regional management prior to distribution at a meeting, and appended to the inspection report.

C. Release of Draft Inspection Reports

Under no circumstances should draft inspection reports, either in their entirety or excerpts from them, be released to licensees or their agents, or to any source external to the NRC without the express permission of the EDO.

For the purposes of this policy, a draft inspection report is the preliminary draft of the document which will provide the account and conclusions of an official NRC inspection. It is to be considered a draft inspection report from its initial development, and throughout the period of supervisory and management review, until final publication and distribution in accordance with IE Manual Chapter 1025.

In the event any draft inspection report is inadvertently or otherwise released contrary to this policy, the EDO should be promptly advised in writing. The EDO will take or recommend action as appropriate.

D. Release of Draft Investigation Reports

For the purposes of this policy, a draft investigation report is the preliminary draft of the document which will provide the account and findings of an official NRC inquiry or investigation. It is to be considered a draft investigation report from its initial development, and throughout the period of supervisory and management review, until final publication.

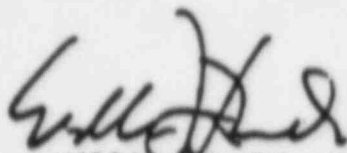
It is important to realize that OI is required by Commission directives to inform Regional Administrators of safety and security issues as they are developed in the course of an investigation. Regional Administrators shall act on this information in accordance with the policies set forth above for the prompt communication of safety and security issues, and in addition shall observe the following procedure.

The Regional Administrator shall inform the Director, OI, in advance that information related to an open investigation is being considered for release to the licensee because safety or security concerns require initiation of corrective actions before publication of the investigation report. The Director, OI, should review the information to be released and advise the Regional Administrator of the anticipated effect of its release on the course of the investigation. The Regional Administrator will release the information only after determining that the safety or security concerns are significant enough to justify the risk of compromising the effectiveness of the investigation and, possibly, subsequent enforcement or prosecution options. Any such release of information should be recorded in the investigation report.

Pursuant to Commission approved OI policy, draft OI reports of investigation will not be circulated outside the NRC without the specific approval of the Chairman. (OIA draft reports of investigation will under no circumstances be reviewed with or given to licensees, their agents, or to any source external to NRC, without the express permission of the Director, OIA.) Requests for such permission should be made through the EDO.

In the case of an emergency appearing to require immediate action, NRC personnel shall provide the licensee with any information they judge the circumstances warrant. If time permits, regional management should be consulted first.

The foregoing policies are effective immediately. The EDO, following an appropriate evaluation period for this policy, will incorporate this policy into the NRC Manual. Also, the EDO is reviewing existing procedures and practices related to other types of communications under the cognizance of other NRC Offices and will issue policy guidance where deemed appropriate.



William J. Dircks
Executive Director
for Operations

cc: H. Denton
J. Davis
R. Minogue
G. Messenger
B. Hayes

DEC 3 1984

MEMORANDUM FOR: Office Directors
Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY ON CONTROL OF NRC REPORTS AND OTHER DOCUMENTS

On October 7, 1983, I issued a policy statement regarding the distribution of draft inspection and investigation reports. Since that time, other events have occurred that indicate the need for a general policy statement that addresses the release of all NRC reports and other documents, either in their draft or final form. That policy statement is enclosed. The major premise of the enclosed policy statement is that documents will not be provided to one licensee or member of the public unless they can be made available (generally through the Public Document Room) to all.

Nothing in the enclosed policy statement should be construed as a relaxation of my October 1983 policy statement. Rather, it is my intent that the procedures developed in response to the enclosed policy statement be consistent with the specific directions in my October 1983 policy statement. As an amplification of my October 1983 policy, you should also establish procedures to ensure that OI is promptly informed whenever a material false statement is suspected. Additionally, matters being referred to OI should be coordinated with OI prior to advising a licensee of the potential referral. To assure overall consistency and completeness your procedures should be forwarded to DEDROGR for review and comment.

By copy of this memo, I am directing the Office of Administration to incorporate these policies into appropriate NRC Manual Chapters.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Enclosure: As stated

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
V. Stello, DEDROGR
SECY
OPE
OGC

POLICY ON CONTROL OF NRC REPORTS AND OTHER DOCUMENTS

INTRODUCTION

NRC must act promptly and positively on nuclear safety and safeguards concerns. Such concerns must be identified promptly, documented and made known to responsible licensee management to obtain prompt evaluation and appropriate corrective action. At the same time, NRC documents must be developed and issued without improper licensee or public influence, or the appearance thereof, and must be made available to the public in a timely manner, consistent with NRC regulations, policies and procedures.

OBJECTIVES

The objectives of this policy statement with regard to both plant-specific and generic NRC reports and other documents (referred to hereinafter as "documents") are:

1. To provide NRC staff with general policy guidance on the release and distribution of draft and final documents.
2. To assure that staff documents are developed and issued without improper influences, real or perceived, by the public or by applicants, licensees, permittees or their subcontractors or agents (referred to hereinafter as "licensees") and are made available promptly to the public.
3. To assure that sufficient flexibility is provided to Office Directors and Regional Administrators so that they and their staffs will not hesitate to disseminate appropriate safety or safeguards information to licensees, before distribution of final documents.

POLICY

For the purpose of this policy, the term "documents" encompasses all written material considered to be NRC records under 10 CFR Part 9. A draft document is to be considered a draft from its initial development throughout the period of review until its issuance as a final document. A final document is one that has been signed or otherwise approved for publication and distribution. Final documents will be distributed in a manner that will ensure that the public, the licensees, NRC contractors and Government agencies have access to information they need to fulfill their responsibilities. Final documents provided to licensees will be placed in the Public Document Room (PDR).

Any decision under this policy to place documents in the PDR must also be consistent with NRC regulations, policies and procedures regarding confidentiality, security, safeguards, proprietary, and Privacy Act Information and investigative matters.

Draft documents, or information contained therein, are not to be discussed with, given to, or shown to any licensee or the public by NRC staff without prior approval.

Predecisional interagency or intraagency memoranda and letters shall not be provided to licensees or the public or placed in the PDR without prior management approval.

In the event any document is inadvertently or otherwise released by the NRC, its contractors or other Government agencies contrary to this policy, the EDO should be advised promptly in writing of the occurrence and the corrective action to be taken by the responsible Office to avoid recurrence of such release. Normally, under such circumstances, the released document should be placed in the PDR.

EXCEPTIONS

In the event there is an emergency, or a significant safety or safeguards issue appears to require immediate action, NRC personnel, at their discretion, may discuss with, show to, or provide the licensee with any pertinent material they believe the circumstances warrant.

In the normal course of conducting regulatory activities, communications with licensees, vendors, industry representatives and other Government agencies are at times necessary regarding initial NRC staff positions, license conditions, confirmation of action letters, inspection findings, preparation of bulletins and information notices, events at other facilities, etc. Such communications can be held in advance of the final NRC documents for the purpose of (1) gaining factual information, (2) assessing the cost, feasibility and benefit of, or alternatives to, proposed actions, or (3) alerting licensees to initial staff positions or safety findings in order that corrective actions can be initiated promptly. This policy statement is not intended to impede such exchanges of information. Any written communications provided by the staff to licensees or the public shall, however, be placed in the PDR.

Draft research reports, studies, data or other documentation based on information obtained from a licensee or vendor, which may be discussed or exchanged with those parties and other participants in a study or research program, are not subject to restraint under this policy statement.

Draft proposed and final rules, policy statements and other documents pertaining to materials regulated by the Agreement States may be sent to the Agreement States for comment and are not subject to restraint under this policy.

Nothing in the policy statement shall automatically preclude the release of agency records pursuant to a formal request under the Freedom of Information Act.

IMPLEMENTATION

Program and Regional Offices are expected to develop and implement procedures that reflect this policy. IE, NMSS and NRR, in coordination with Regional Offices, should develop generic procedures for use by the Regional Offices regarding inspection, fuels and materials licensing and reactor licensing, respectively.



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

January 6, 1984

MEMORANDUM FOR: Office Directors
Regional Administrators

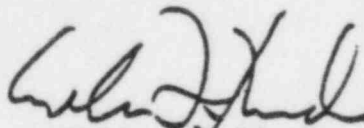
FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY IN REGARD TO DEALING WITH THOSE WHO PROVIDE
INFORMATION TO THE NRC

Our policies in dealing with persons bringing irregularities and deficiencies in safety performance to our attention require clarification and emphasis in order to assure that they are dealt with properly and the issues they raise are correctly treated.

NRC resources must be utilized in ways which maximize our ability to key on safety related problems. Citizens who voluntarily step forward with information regarding safety matters must be looked on as a valuable adjunct to our programs. Moreover, a part of NRC's effectiveness and credibility with the public is a function of our relationships with these people. In this regard we should be professionally courteous in our interfaces, complete in our technical reviews of issues they raise and observant of procedures which recognize the special problems faced by persons who come to us with allegations regarding improper safety conditions and practices.

I am asking IE to take the enclosure of this memo and translate it into Manual Chapter format. I will expect them to coordinate the MCM with you once more, although I am aware many of your comments have been incorporated. In the meantime, it will serve as interim guidance with one exception; before directing that citizens must be advised of their privilege of anonymity I wish to clear this point with the Commission and will do so when IE provides me the MCM for approval.


William J. Dircks
Executive Director
for Operations

Enclosure:
As stated

POLICY IN REGARD TO DEALING WITH THOSE WHO PROVIDE
INFORMATION TO THE NRC

General Issues

1. Those who provide allegations to NRC staff must be treated with respect, consideration and tact. Under no circumstances should they be dealt with brusquely or under an atmosphere of interrogation.
2. When a number of allegations point to or reinforce indications of a broader problem it is appropriate to assume that such a problem may exist. Prompt action to broaden the scope of our inquiry should then be taken to determine whether or not such is the case.
3. While the safety significance of an allegation is an important factor in determining the extent and promptness of staff resources commitment, it should not affect the staff treatment of the person making the allegation as given in Item 1 above.

NRC Procedural Practices

1. When allegations are received in writing, a prompt attempt to make personal contact must ordinarily be made in each case. When received telephonically, complete details should be acquired along with availability of the person making the allegation to meet with NRC. If documents are involved, they should be identified and acquired by NRC -- the person making the allegation should not normally be required to obtain them.

2. Contact, when made, should draw an interested and professional response from NRC. I am directing IE to prepare a simple package that can be provided to individuals making allegations and will make clear to them how NRC deals with allegations.
3. Follow-up on allegations, whether they are general or specific, should focus not only on the specific allegation but on the overall area of concern, including the potential for generic implications.
4. Allegations should be screened for importance and the more serious addressed first. Serious or not, all allegations should be addressed as promptly as resources will allow.
5. When a plant visit with a person making the allegation is necessary to find the exact location of a problem and the individual is willing to make such a visit, it should be made. Access issues should be addressed on a case by case basis. Travel costs for the individual can be offered if necessary. Care should be taken to avoid embarrassment or abuse of the individual, e.g., visit can be scheduled for an off-shift/weekend, licensee accompaniment prohibited, etc.
6. When responsibility for the handling of an allegation is transferred from one organizational unit to another the person making the allegation should be notified by the individual who is relieved as contact in order to assure continuity. A single point of contact should be the rule.

7. Follow-up of allegations should be professional in scope and depth. If it is appropriate that an inspection be made, it should be made.
8. Without exception, the individual making the allegation should be promptly advised of the results of inspection follow-up action so that they are aware that their problems were addressed. If for some reason there is unusual delay in providing the results, the person should be advised so that he does not feel his allegations are being ignored.
9. An "audit trail" - to include personal interview records - should be established so that NRC actions can be properly justified if necessary. All allegations should be entered in the allegation tracking system.
10. The final report should set forth the facts clearly, dispositively, and in a style that does not belittle or disparage the person who brought a safety matter to our attention.

Licensee Actions

1. Licensees should be encouraged to take allegations seriously. Programs such as interviews of all employees who terminate should be encouraged. Such programs should be monitored by NRC. Licensee actions do not relieve us of our responsibilities, but effective licensee actions may reduce somewhat the number of allegations we receive.

2. It should be advantageous under some circumstances to have the licensee address the validity of allegations to the NRC. If so, confidentiality must not be breached. Licensees can be asked to address the validity of allegations only if in so doing the person making the allegation is not exposed. One vehicle for accomplishing this is a 50.54(f) letter. The person making the allegation must be informed that this is not handing the issue over to the licensee, but that NRC will review the licensee's report. Such a review should, of course, not be peremptory.

Confidentiality

1. Staff should recognize that in many cases individuals making allegations feel that they lay their jobs on the line when they approach the NRC. All our activities must be sensitive to this, even when no explicit confidentiality agreement has been executed. Identities of sources will not be voluntarily exposed by the NRC unless it is clear that the individual concerned has no objection. As a general rule, the 'need to know' approach should be used when dealing with the protection of an person's identity.
2. Staff should assure that it is clear to all concerned if and on what terms anonymity of a person making an allegation is to be protected. In every case the individual shall be asked if anonymity is desired. A clear record should be maintained for the files to preclude later misunderstandings. A Confidentiality Agreement (see attachment) should be executed with the individual, if necessary and possible.

3. If at any time for any reason confidentiality is breached or jeopardized, the person should be so advised, the reason explained and remedial measures taken, if possible.

Attachment:
Confidentiality Agreement

CONFIDENTIALITY AGREEMENT

I have information that I wish to provide in confidence to the U.S. Nuclear Regulatory Commission (NRC). I request an express pledge of confidentiality as a condition of providing this information to the NRC. I will not provide this information voluntarily to the NRC without such confidentiality being extended to me.

It is my understanding, consistent with its legal obligations, the NRC, by agreeing to this confidentiality will adhere to the following conditions:

(1) The NRC will not identify me by name or personal identifier in any NRC initiated document, conversation, or communication released to the public which relates directly to the information provided by me. I understand the term "public release" to encompass any distribution outside of the NRC with the exception of other public agencies which may require this information in furtherance of their responsibilities under law or public trust.

(2) The NRC will disclose my identity within the NRC only to the extent required for the conduct of NRC related activities.

(3) During the course of the inquiry or investigation the NRC will also make every effort consistent with the investigative needs of the Commission to avoid actions which would clearly be expected to result in the disclosure of my identity to persons subsequently contacted by the NRC. At a later stage I understand that even though the NRC will make every reasonable effort to protect my identity, my identification could be compelled by orders or subpoenas issued by courts of law, hearing boards, or similar legal entities. In such cases, the basis for granting this promise of confidentiality and any other relevant facts will be communicated to the authority ordering the disclosure in an effort to maintain my confidentiality. If this effort proves unsuccessful, a representative of the NRC will attempt to inform me of any such action before disclosing my identity.

I also understand that the NRC will consider me to have waived my right to confidentiality if I take any action that may be reasonably expected to disclose my identity. I further understand that the NRC will consider me to have waived my rights to confidentiality if I provide (or have previously provided) information to any other party that contradicts the information that I provided to the NRC or if circumstances indicate that I am intentionally providing false information to the NRC.

Other Conditions: (if any)

I have read and fully understand the contents of this agreement. I agree with its provisions.

Date

Name:
Address:

Agreed to on behalf of the US Nuclear Regulatory Commission.

Date

Signature
Name:
Title:



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

APR 24 1984

MEMORANDUM FOR: EDO Office Directors
Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: RELEASE OF INFORMATION TO LICENSEES

REFERENCE: Memo, Dircks to Office Directors and Regional
Administrators, "Policy in Regard to Dealing with
Those who Provide Information to the NRC," dated
January 6, 1984

The reference above deals with the general issue of dealing in a prompt and efficient manner with information provided to NRC with due regard for confidentiality of those who provide such information. This memorandum deals with the narrower issue of release of such information to licensees/vendors. In addition to the need for expeditiously resolving any issue related to safety, recent experience has shown that considerable resources are being used to deal with allegations for NTOL plants. The policy set forth in the memo is intended to improve this situation.

The principal guidance on this point is that the licensee/vendor should be advised of potential safety concerns raised by allegations as soon as feasible in order that appropriate review and subsequent action can be taken to protect the health and safety. I expect that once information from alleged is received, and the Office/Region understands the information, that the licensee will be advised specifically by letter of the area of concern and will be requested to address it, subject to further audit by NRC. However, the anonymity of sources should be protected and the effectiveness of investigations/inspections should not be compromised, i.e., premature release should not allow licensees the opportunity to cover up problems or appear to do so.

There are two exceptions to this guidance. The first exception is where we cannot release the information with sufficient detail to be of use to the licensee/vendor without compromising the identity of the confidential source. In such a case release should normally not be made unless the release is necessary to prevent an imminent threat to the public health and safety. I should be consulted in any case where it appears a need to release

the identity of a confidential source. The second exception is where a licensee/vendor could compromise an investigation or inspection because of knowledge gained from the release of information especially if wrongdoing is involved. The Regional Administrator for inspections and the Director of the Office of Investigations for investigations should make the decision of whether or not to release the information to avoid compromising NRC action.

I recognize that when a large number of issues are raised at the same time, as has occurred with several plants as they approach issuance of an OL, the difficulties in executing this policy are enhanced. However, at such a time, the requirement for a licensee to know where his problems lie is also high. We should concentrate on organizing the process in order to deal with these particular situations.

I am requesting that IE incorporate this policy in an appropriate Manual Chapter.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Statement of Policy: Handling of Late Allegations

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of Policy: Handling of Late Allegations.

SUMMARY: This policy statement presents the criteria the Commission will follow in addressing late allegations received from sources outside the Commission, in the context of licensing reviews. It also directs that the staff's procedures for notifying Atomic Safety and Licensing Boards, Atomic Safety and Licensing Appeal Boards, and the Commission of the receipt of allegations be revised to provide for an initial, coarse screening prior to issuance of a Board Notification.

EFFECTIVE DATE: March 19, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Chandler, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-8658.

SUPPLEMENTARY INFORMATION:

Statement of Policy

The purpose of this policy statement is to explain the policy which the Commission expects to follow regarding the treatment of late allegations, received from sources outside the Commission, in operating license reviews and in the board notification process. The focus of this statement is on NRC staff and Commission pre-licensing safety reviews of uncontested issues, and Commission pre-licensing immediate effectiveness reviews of contested issues. The treatment of allegations in formal adjudicatory licensing proceedings will continue to be governed by the Rules of Practice in 10 CFR Part 2. Apart from this policy statement, the Commission has initiated a rulemaking to codify NRC caselaw criteria for reopening a closed evidentiary record in a formal licensing proceeding and to specify further the documentary bases for motions to reopen, including those which may be based on allegations. 49 FR 50189 (December 27, 1984).

The most fundamental tenet flowing from the NRC's statutory mandate under the Atomic Energy Act is that a license may be issued only if it can be found that there is reasonable assurance that the activity to be authorized presents no undue risk to the health and safety of the public. There can be no abdication of the responsibility to make this determination and if there is a serious question as to the ability to make such finding, no license may be issued and the time necessary to resolve such question must and will be taken. Therefore, in the context of late allegations, it is necessary that appropriate criteria be applied to enable the decisionmaker, be it the NRC's staff or the Commission itself, to expeditiously determine the significance, in terms of safe operation of the facility, of any allegations made.

In connection with its review of a number of recent cases, the NRC has been confronted with the task of addressing large numbers of allegations which were brought to its attention very shortly before, and in some cases on the eve of, the date on which a decision on whether to authorize the issuance of an operating license was to be made. Some of these allegations related to matters in controversy and others related to previously uncontested issues not under consideration by a particular adjudicatory tribunal. Significant commitments of staff resources often must be diverted at the last minute to address large numbers of late allegations, many of which have proven to be unsubstantiated or of little, if any safety significance.

Ideally, all allegations concerning a particular facility will be resolved before any license is authorized. If, however, because of the number of allegations and/or their tardy submission, all allegations cannot be resolved in a timeframe consistent with reasonable and responsible licensing action, it may be necessary to give priority to those allegations which, because of their potential impact on safety, must be resolved before licensing action can be taken.

Initial Screening of Allegations

Any concerns bearing on the safety of a facility should be brought promptly to the attention of the applicant or licensee.¹ If, however, this approach is unsatisfactory, any person is free to bring such concerns directly to the NRC. To eliminate unnecessary delay in the licensing process to the extent possible, any person who has an allegation concerning the design, construction, operation, or management of a nuclear power plant has a duty to bring such information to the Commission's attention as promptly as possible. All allegations should be specific and documented to the fullest extent possible. Those submitting allegations in good faith should be aware that appropriate protection against retaliatory action by an applicant or licensee (including its contractors and subcontractors) is afforded by Section 210 of the Energy Reorganization Act of 1974, 42 U.S.C. 5851. All parties and persons are reminded that Federal law imposes penalties upon any person who intentionally makes any false statement or representation to any agency of the United States.

In reviewing allegations, the appropriate Commission staff office will first determine whether, if true, the allegations are material to the licensing

¹The Commission encourages the establishment of programs by utilities for the purpose of identifying and resolving allegations affecting safety in a timely manner as design and construction of a nuclear facility proceeds.

decision in that they would require denial of the license sought, the imposition of additional conditions on such license, or further analysis or investigation. Allegation which, even if true, are not material to any licensing decision or which on their face or after initial inquiry are determined to be frivolous or too vague or general in nature to provide sufficient information for the staff to investigate will receive no further consideration.

As to allegations which are material to the licensing decision, the Commission staff will next determine whether the information presented is new in the sense of raising a matter not previously considered or tending to corroborate previously received but not yet resolved allegations. In making this determination, all information available to the Commission will be considered, including that previously provided by an applicant or licensee and that obtained by the Commission in the course of its review and inspection efforts or from its investigation of prior allegations. In some cases, information already available to the NRC may be sufficient to resolve certain allegations. However, if an allegation is found to be both material and new, the staff will investigate the allegation further.

Further Review

If the staff determines that, as a result of the number of allegations or the timeframe in which they are received it appears likely that full consideration of all allegations cannot be accomplished consistent with responsible and timely Commission action, the Commission staff will conduct a further screening of the allegations to determine their significance to safety and therefore what priority should be assigned relative to the activity to be authorized.² The following screening criteria will be considered:

1. The likelihood that the allegation is correct, taking into consideration all available information including the apparent level of knowledge, expertise, and reliability of the individual submitting the allegation in terms of the allegation submitted and the possible existence of more credible contrary information.

² As a general matter, the Commission has authorized issuance of operating licenses first for low power testing (up to 5% of rated power) and subsequently for full power operation (operation above 5% of rated power). In some cases these steps have been further refined, for example, into fuel load, hot system testing, criticality and zero power testing. Other refinements too are possible and may be authorized.

2. The need for prompt consideration of the allegation recognizing the public interest in avoiding undue delay. If the staff determines that an allegation raises a significant safety concern regarding, for example the design, construction, or operation of a facility or about quality assurance or control or management conduct, which brings into question the safe operation of the facility at a given stage of operation, the allegation must be addressed prior to authorizing that stage. For purposes of this policy statement, an allegation will be considered safety significant if the allegation would, if true, (1) raise a significant question about the ability of a particular structure, system, or component to perform its intended safety function or (2) raise a significant question of management competence, integrity, or conduct or about implementation of the quality assurance program, sufficient to raise a legitimate doubt as to the ability to operate the plant safely. Allegations which are not safety significant will be resolved in the normal course of business independent of license issuance.

Board Notification Procedures

Parties to ongoing adjudicatory proceedings have an obligation to bring allegations to the attention of the presiding board. All parties have an obligation to inform boards promptly of relevant and material information that may affect the decisionmaking process.

The Commission's staff, in accordance with its obligations for board notification has in the past submitted allegations to boards promptly and without awaiting their resolution or determination of significance relative to the decisionmaking process. This practice is consistent with the Commission-approved board notification policy. However, it has resulted, on occasion, in presenting boards with new information, the significance of which is not readily apparent. Consequently, in the future, staff board notifications of allegations will not be made until the staff has made at least an initial screening of the allegations. Only those allegations which are found not to be frivolous, which are relevant and material to the decisionmaking process (as determined under existing board notification procedures) and which are determined to warrant further scrutiny will be submitted to the presiding tribunal. Board notifications should still be made promptly, consistent with the need and time required for screening. The staff's board notification procedures should be revised accordingly.

Dated at Washington, D.C., on this 13th day of March 1985.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary.

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

October 24, 1983

MEMORANDUM FOR: Office Directors and Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: PROCEDURES IN DEALING WITH FBI/DEPARTMENT OF JUSTICE

The following procedures apply effective this date:

A. Special Functional Areas:

1. Contacts with FBI in regard to security matters - including background investigations and internal security activities - will be handled by the Division of Security direct with FBI. NRC personnel, when contacted by FBI personnel on background investigations for security clearances, need not report such contacts; contacts made in regard to internal security matters should be reported to the Division of Security.
2. Contacts with FBI in regard to threat assessment, contingency response planning and other matters covered in the NRC/FBI "Memorandum of Understanding for Cooperation Regarding Threat, Theft or Sabotage in the Nuclear Industry" will be handled by NMSS according to their standard procedures.
3. Contacts by and with Regional Administrators in regard to general NRC matters of coordination, such as status reports, with FBI Regional offices and other law enforcement agencies need not be reported unless substantive matters are discussed. If substantive matters are discussed, the provisions of paragraph B will apply.

B. Receipt of information - whether by telephone, visit or in writing - from law enforcement agencies on all matters other than those listed in paragraph A will be handled as follows:

1. Regions: All contacts will be referred to the OI Regional Field Office which will in turn advise OI Headquarters of the nature of the contact as appropriate.

2. Headquarters Offices: Contacts will be referred to OI (Contact: Division of Field Operations, Telephone: 27246). OI will consult with EDO as necessary and advise the caller of the appropriate NRC contact(s). Contacts will then be advised to respond to queries.
3. OI will be responsible to determine the nature of the FBI/DOJ contact and, where appropriate, advise staff of investigations which relate to matters of health and safety and OIA of matters touching upon the conduct of NRC employees or contractors. Due regard will be paid to the sensitivity of the information.

C. Referral of information to DOJ/FBI will be handled as follows:

1. OIA will be the single point of contact for referral to DOJ/FBI of information touching upon the conduct of NRC employees or contractors.
2. OI will be the single point of contact for referral to DOJ/FBI of information touching upon the conduct of licensees, applicants, vendors or their contractors.

Offices and Regions will assure that this policy reaches and is understood by all employees of the agency.

(Signed) William J. Dircks

William J. Dircks
Executive Director
for Operations

Sample Blue Bag and Messenger/Courier Receipt

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	TIME	
FROM:	RECEIVED	
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	BY: (Signature)	

DO NOT KEEP BLUE BAG - Return it to the Mail Person

BLUE BAG MAIL SENDER'S RECEIPT	
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Detach and Retain Completed Stub for Record

NRC FORM 234 (6-76)

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UNCLASSIFIED DESCRIPTION		MESSENGER'S/COURIER SIGNATURE		DATE		
		MESSENGER/COURIER				
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SENDER: 1. Complete "DATE SENT," "TO," "FROM," and "UNCLASSIFIED DESCRIPTION" blocks. 2. Obtain MESSENGER/COURIER signature in first space provided. 3. Retain "SENDER'S SUSPENSE COPY." MESSENGER: 1. Deliver package to recipient or next messenger enroute to addressee. 2. Obtain signature before release of package. RECIPIENT: 1. Sign and date original in "RECIPIENT'S SIGNATURE," and "DATE" blocks. 2. Retain "RECIPIENT'S COPY." 3. Return original to sender immediately.		RECIPIENT'S SIGNATURE		DATE		

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