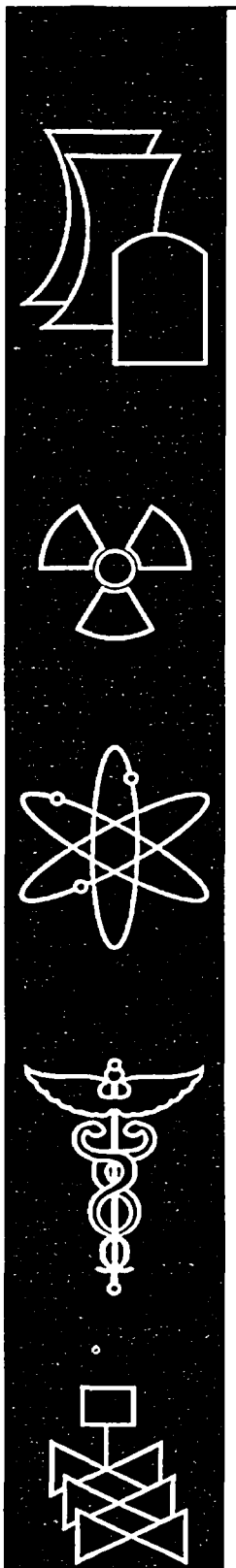
NUREG/BR-0075
Revision 4



NRC Field Policy Manual

U.S. Nuclear Regulatory Commission
Office of the Executive Director for Operations
Washington, DC 20555-0001

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
March 16, 1999

MEMORANDUM FOR: Distribution List 1MX

FROM: Frank J. Miraglia, Jr.
Deputy Executive Director
for Regulatory Programs

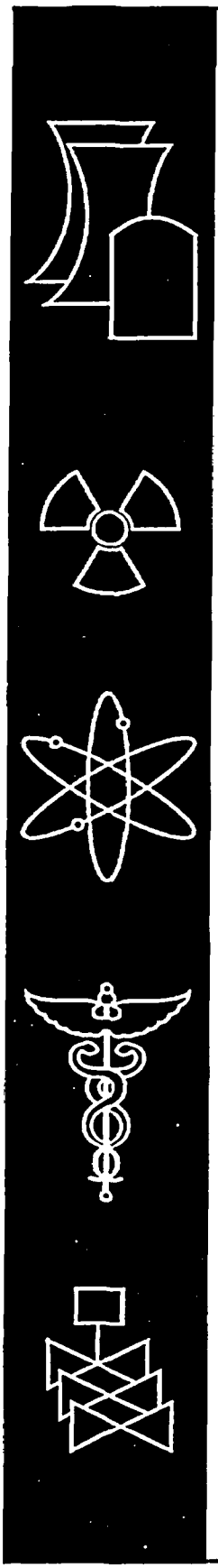
Frank J. Miraglia

SUBJECT: **Field Policy Manual - NUREG/BR-0075 Revision 4**

Attached is Revision 4 of the Field Policy Manual (FPM). This revision replaces the existing FPM (NUREG/BR-0075, Revision 3) in its entirety. This manual provides direction on implementation of policy matters that affect a number of NRC offices. The majority of the changes to the manual reflect organizational changes. However, please note that more substantive changes have been made to Field Policy Numbers 2, 8, 10, 11 and 15.

Attachment:
As stated

NUREG/BR-0075
Revision 4



NRC Field Policy Manual

U.S. Nuclear Regulatory Commission
Office of the Executive Director for Operations
Washington, DC 20555-0001

Issue Date: March 1999

NRC FIELD POLICY MANUAL

FOREWORD

PURPOSE

The NRC Field Policy Manual (FPM) provides policy and guidance to Office Directors and Regional Administrators from the Executive Director for Operations (EDO). This Manual is a compilation of EDO policies that are intended to establish the necessary degree of operational consistency among NRC offices and the regions.

OBJECTIVES

To aid managers and writers in planning and developing clear, accurate and effective field policies.

To ensure consistency in the format and content of field policies.

DEFINITIONS

NRC Field Policy

Contains statements of policy, defines responsibilities and authorities and establishes requirements related to managing and implementing the functions of Headquarters and Regional Offices. Each policy also describes office interfaces, coordination and management practices that should be used in implementing field policies.

The FPM will not duplicate material in the NRC Management Directives or guidance documents from the NRC Headquarters Offices such as the NRC Inspection Manual.

RESPONSIBILITIES AND AUTHORITIES

Deputy Executive Director for Regulatory Programs (DEDR)

Approves NRC Field Policies.

Chief, Regional Operations and Program Management Section, OEDO

Identifies topics to be addressed in the FPM.

Assigns responsibility for the preparation of NRC field policies on a case-by-case basis.

Administers the NRC FPM.

Regional Administrators

Adhere to NRC field policies and the guidance of Headquarters Office Directors in implementing those portions of the NRC programs that have been delegated to the Regions.

Recommend to the DEDR new NRC field policies or appropriate revisions to existing policies.

Headquarters Offices

Remain aware of and implement NRC Field Policies that may affect office policy and guidance that apply to regional operations under their purview.

Recommend to the DEDR new NRC field policies or appropriate revisions to existing policies.

FORMAT AND CONTENT OF NRC FIELD POLICIES

NRC Field Policies

NRC field policies define policy, provide guidance in implementing the policy, and list references to the NRC directives, memoranda or management decisions that are the basis for the policy.

Each policy will contain the following:

Policy number and title
Statement of Policy
Issue date
Revision number and date
Guidance on implementing the policy
References

Policy numbers will be assigned by the EDO staff.

PREPARATION, REVISION, DISTRIBUTION, AND REMOVAL OF NRC FIELD POLICIES

Preparation

New or revised policies will be circulated for review and comment or discussed with the cognizant headquarters offices and Regions during their development.

Requests for Guidance, Revisions and New Policies

Such requests should be addressed to the DEDR.

Distribution

Approved policies will be printed and distributed by the Office of Administration and the Office of the Chief Information Officer per distribution list 1 MX.

Effective Dates

Each NRC field policy will become effective on the date of issuance unless otherwise indicated in the policy. The issue date appears on the first page of each policy.

Partial Revisions

Revisions will be made by page changes. Hand written changes will not be used for partial changes. Revised material on a page will be indicated by a margin bar in the right-hand margin that encompasses the revised material.

Plain Writing Standards

Policies will be written in a readable style that can be readily understood. Requirements for action will be clearly stated and will include who, when, where, how and why.

Changes Notices

A Change Notice will accompany each change to the NRC FPM. The notice will list the material that is transmitted or superseded and will include an updated Table of Contents. Each notice will be numbered serially in each calendar year; i.e., 90-01, 90-02.

Removal

Field policies may become obsolete, be overtaken by events, or be encompassed by another agency program or procedure. Field policies removed under these circumstances will be so indicated by a Change Notice.

TABLE OF CONTENTS

Policy Number	Title
1	Coordination with Federal Bureau of Investigation (FBI)
2	Regional Operating Plans
3	Response to Private Litigants and State or Federal Agencies Seeking Testimony or Documents
4	Board Notification
5	Counterpart Meetings
6	Regional Office Management Meetings
7	Availability of Senior Regional Managers
8	Resident Inspector Relocation Policy
9	NRC Review of Institute of Nuclear Power Operations (INPO) Documents
10	Conduct of Employees
11	Commissioner Travel to Licensee Sites and State Officials
12	Coordination of NRC Activities at Power Reactor Facilities
13	Witnessing Unsafe Situations
14	NRC Interaction with Nuclear Energy Institute (NEI)
15	Release of Senior Management Meeting Information
16	Communications Between the NRC Staff and the Commissioners' Offices
17	Periodic Press Briefings
18	Guidelines for Granting Exceptions to the N+1 Policy for Assigning Resident Inspectors to Multi-Unit Reactor Sites
19	Guidance for Recommending Third Party Assistance to Licensees
20	Industry-Sponsored Seminars or Technical Conferences

FIELD POLICY MANUAL

NO. 1 - COORDINATION WITH FBI

Policy

The Office of Investigations (OI) Field Office will be the principal contact on licensee/applicant criminal matters involving the FBI.

Guidance

1. With the following exceptions, all contacts with the Federal Bureau of Investigation (FBI) will be referred to the OI Field Office:

   a. Contacts made on internal security matters, including background investigations, shall be reported to the Division of Facilities and Security (NRC personnel, when contacted by FBI personnel as part of a background investigation for security clearances, need not report such contacts).

   b. Contacts made on sabotage, attempted sabotage, or attacks at NRC-licensed nuclear facilities or transportation activities; or theft, attempted theft, diversion, or illegal sale of special nuclear material; or threats involving NRC licensed facilities, materials, or activities shall be referred to the regional Information Assessment Team member who will notify the Office of Nuclear Material Safety and Safeguards .

   c. If notified of a field exercise involving a licensee and the FBI, NMSS should be notified for further coordination at the HQ level between NRC and FBI.

   d. Regional Administrators need not report contacts with FBI regional offices and other law enforcement agencies on general matters of NRC coordination, unless substantive matters concerning an OI or FBI case are discussed.

2. Threats made toward NRC inspectors shall be promptly and directly brought to the attention of the FBI.

3. OI shall advise the Regional Administrators of matters of health and safety and will advise the Office of the Inspector General of matters regarding the conduct of NRC employees and contractors.

References

1. A memorandum from the EDO to Office Directors and Regional Administrators, Subject: "Procedures in Dealing with FBI/Department of Justice" dated October 24, 1983.

2. Memorandum of Understanding (MOU) between the FBI and NRC regarding Nuclear Threat, Incidents involving NRC Licensed Facilities, Materials, or Activities, dated May 29, 1991.

FIELD POLICY MANUAL

NO. 2 - REGIONAL OPERATING PLANS

Policy

Annually, each regional administrator shall prepare a Regional Operating Plan that will show the major program activities to be accomplished in the region during the upcoming fiscal year. Normally, the Office of Nuclear Reactor Regulation (NRR), the Office of Nuclear Material Safety and Safeguards (NMSS) and other offices provide the regions specific direction for planned program office activities for the upcoming fiscal year. In general, the regional operating plans should incorporate this input. These plans constitute an agreement between the regional administrators and the program office directors as to what should be accomplished in the program area and will be the basis for headquarters' assessments of program implementation. These plans will be used to convey expectations, to establish accountability, and to manage resources within budget.

Guidance

1. Information as to resources available during the upcoming fiscal year should be based on "The Budget Estimates for Fiscal Year xxxx" or what is commonly known as the Green Book. The Green Book for the upcoming fiscal year is published in early February of the present fiscal year. Because the resources in the Green Book are organized by program areas, NMSS and NRR publish, generally at the end of May/June of the present fiscal year, a more specific breakdown of FTE allocations by region. These data are used in preparing the Regional Operating Plans.

2. Regional Operating Plans are to be prepared by the regional offices with the responsible program offices coordinating the effort for their respective program areas and providing oversight to ensure consistency of the plan, including the planned accomplishments, measures and metrics among the four regions before submittal to the Deputy Executive Director for Regulatory Programs (DEDR).

3. The Regional Operating Plan for the upcoming fiscal year should be submitted to the DEDR by October 1 of the present fiscal year or within three weeks of receipt of the NRR and NMSS program office plans, whichever is sooner, unless exemptions are made otherwise by the DEDR. In addition, quarterly updates to the plans may be requested and should be provided in a format suitable to the DEDR.

4. The following procedure applies to requests from the program offices or the regions to change the allocation of resources identified in Regional Operating Plans:

    a. The program office and each regional office affected will strive to agree on the reallocation of regional resources.

b. If the proposed change affects more than one program office, the program office or region proposing the change will seek agreement from the other affected program offices.

c. If the program office directors and regional administrators are unable to resolve disagreements related to the reallocation of resources, then the details of the disagreement should be promptly forwarded to the DEDR for final resolution.

d. This procedure should be used in conjunction with existing agency requirements for staffing plans, reprogramming of funds, and transfer of functions.

e. Revisions to a Regional Operating Plan will be sent to the DEDR after all concurrences.

NO. 3 - RESPONSE TO PRIVATE LITIGANTS AND STATE OR FEDERAL AGENCIES SEEKING TESTIMONY OR DOCUMENTS

Policy

Periodically, agency employees are subpoenaed by or requested to cooperate with litigants or tribunals seeking NRC testimony or documents for use in litigation in which the NRC is not a party. For example, these subpoenas might seek information regarding Commission policies and procedures or facts concerning inspections which NRC inspectors have performed. It is the Commission's policy to respond to such requests in a responsible and lawful manner. However, it is not unusual for such requests to seek privileged or irrelevant material or to place an undue burden upon the agency.

The Commission's regulations, specifically 10 CFR Part 9, Subpart D, require that no demand of a court or other judicial or quasi-judicial authority be honored without the prior approval of the General Counsel.

Of particular importance, the regulations require that:

1. No employee disclose, through testimony or other means, material contained in the files of the NRC or information acquired by that employee in performance of his official duty without prior approval of the General Counsel . (10 CFR §9.201)

2. Prior to or simultaneous with service of a subpoena on an NRC employee, the General Counsel must be served with a detailed summary of the testimony desired, and in appropriate cases, with a discovery plan setting forth, to the extent reasonably foreseeable, the NRC's expected overall involvement with the litigation at issue. (10 CFR §9.202)

Guidance

1. Inquiries of Region-based NRC employees by private litigants or State and Federal agencies seeking testimony should be directed to the Regional Counsel who will contact the Solicitor in the Office of General Counsel (OGC). Headquarters employees should direct inquiries to the Solicitor in OGC.

2. OGC will review all the summaries of expected testimony and will decide whether the testimony should be allowed. If the agency decides to comply with the request or to negotiate some sort of modification, OGC will then determine, on a case-by-case basis, whether OGC or the Regional Counsel should bear primary responsibility for further negotiations and assistance to the employee in responding to the demand, including a determination as to whether or not an attorney should appear with him or her during a deposition or testimony.

FIELD POLICY MANUAL

NO. 4 - BOARD NOTIFICATION

Policy

Beginning 30 days prior[1] to the start of a hearing, the NRC staff is under an obligation to keep Atomic Safety and Licensing Boards, Presiding Officers, and the Commission apprised of significant new information in pending adjudicatory proceedings.

Guidance

1. For all adjudicatory hearings (civil penalty, operator licensing, license renewal, materials, etc.), the NRC staff is obligated to send new information relevant and material to safety or environmental issues to the Board regardless of the specific issues that have been placed in controversy.

2. In hearings on operating license amendments, Board Notifications will be limited to issues under consideration in the hearing.

3. Regional staff should keep apprised of the current hearing status of their plants, particularly when the hearing is scheduled to begin (consult Regional Counsel).

4. If significant new information is developed by or made known to the applicant, the responsibility to report that information to the Atomic Safety and Licensing Boards, Presiding Officers, or the Commission lies first with the applicant - if the applicant fails to notify, the NRC should initiate appropriate board notification via the appropriate Program Office.

Individual office procedures are available to provide more detail and should be consulted for further details.

[1]The rationale for this starting date is that any new information relevant and material to the proceeding which arises prior to that date will be addressed in the SER and other staff documents filed in the record of the case.

FIELD POLICY MANUAL

NO. 5 - COUNTERPART MEETINGS

Policy

Properly conducted and planned counterpart meetings are an exceptionally valuable means for headquarters and regional management and staff to interact on programs and issues. Direct and clear communications between headquarters and the regions is essential to effective regional implementation of NRC programs. Effective regional and headquarters office communications and interactions can ensure a clear understanding of program goals and intent, and improve program execution and feedback. Regional management should fully support and participate in counterpart meetings with headquarters program offices.

Guidance

Program Office Counterpart Meetings

1. Headquarters and regional offices should schedule periodic program office counterpart meetings at the appropriate organizational level (e.g., Division Director) throughout the year when there are substantive issues that warrant such a meeting. Headquarters and regional representatives are expected to attend counterpart meetings on programs for which they are responsible. Each headquarters program office should schedule at least one Division Director level, or highest management level, (as some program areas like enforcement, state programs do not have a Division Director level regional counterpart) counterpart meeting with the regional offices each year.

2. If thoroughly planned and effectively conducted, counterpart meetings provide a forum for interchange of new information, for discussion of issues, and for early resolution of problems (for example, discussion/explanation of program intent and program changes). To achieve the objective of the counterpart meetings, it is essential that regional and headquarters representatives be of the same organizational levels. This will help ensure that the participants are able to represent a similar scope of views and positions on issues and problems.

3. Counterpart meetings will be scheduled by headquarters program offices in coordination with the regional offices. The regional offices are expected to request counterpart meetings when needed and provide input to the program office for the agenda.

4. Copies of schedules and agendas for regional and headquarters counterpart meetings shall be forwarded to the Chief, Regional Operations and Program Management Section, in the Office of the Executive Director for Operations.

Inspector Counterpart Meetings

5. Regional offices should notify the Deputy Executive Director for Regulatory Programs (DEDR) in advance of any plans to invite an industry or utility representative to a regional counterpart meeting.

6. For purposes of authorizing travel funds, counterpart meetings should be considered to be important mission support functions. To the extent practical, regional offices should authorize travel for employee participation at all appropriate counterpart meetings.

7. Resident Inspectors are authorized to be absent up to three consecutive work days to attend counterpart meetings. Site coverage requirements may be met by any IMC 1245 qualified inspector. Extensions beyond three working days must be approved by the DEDR.

FIELD POLICY MANUAL

NO. 6 - REGIONAL OFFICE RETREATS

Policy

The frequency of regional office management meetings (retreats) to be held away from the workplace should be limited to no more than two meetings per year and should be scheduled in conformance with the guidance provided below.

Guidance

1. For purposes of this policy, a regional office retreat is a meeting within a region between senior regional managers generally including, but not limited to, the Regional Administrator, Deputy Regional Administrator and regional Division Directors to discuss regional operations and areas of concern.

2. Regional office retreats should be planned and scheduled in conformance with the following criteria:

   a. The retreat must be sponsored at the Regional Administrator or Deputy Regional Administrator level (not Division level or below), and

   b. The meeting should be held within 100 miles of the regional office.

3. If all the above criteria are met, meeting approval by the Deputy Executive Director for Regulatory Programs (DEDR) is not required. However, the DEDR should be informed in writing 3 weeks prior to the meeting.

4. If all the above criteria are not met, then DEDR approval is required prior to holding the meeting.

5. The Regional Administrator or designee is responsible for implementing this policy.

FIELD POLICY MANUAL

NO. 7 - AVAILABILITY OF SENIOR REGIONAL MANAGERS

Policy

A reasonable number and mix of senior regional managers should be available at all times to ensure the adequate conduct of routine operations and response to events.

Guidance

1. During normal business hours

   Either the Regional Administrator (RA), Deputy Regional Administrator (DRA), or the Director, Division of Reactor Projects should be in the Regional Office or its immediate vicinity.

2. At all times

   Either the RA, DRA, or the Director of DRP, should be available (as defined in item 3) unless, in infrequent instances, a conflict caused by official business or an emergency situation creates a simultaneous unavailability.

3. A manager is considered available when he/she is in the regional office or can be contacted and come to the office within approximately 2 hours.

4. Each region shall implement these requirements through a regional procedure.

5. The Deputy Executive Director for Regulatory Programs (DEDR) shall be notified (in advance when possible) of the instances when the above guidance cannot be met.

FIELD POLICY MANUAL

NO. 8 - RESIDENT INSPECTOR RELOCATION POLICY

Policy

All resident inspectors (RIs) that were in the program as of September 21, 1998, have the option of selecting a seven-year versus a five-year maximum tour length. New RIs assignments made after September 21, 1998 will stipulate a seven-year maximum tour length. This policy does not preclude RIs from relocating for promotions, voluntary reassignments, or management-directed reassignments.

Guidance

1. RIs are expected to relocate from the site assignment after 7 years. RIs due to rotate during the winter months or early spring may be granted an extension to the summer months with Regional Administrator approval. Any other extensions beyond the 7-year maximum tour length must be approved by the Deputy Executive Director for Regulatory Programs (DEDR).

2. As RIs approach the 7-year point at a site, the agency will consider inspector requests for a lateral transfer. Earlier transfers can be made when consistent with agency needs. In either case, RIs are encouraged to make their desires and career goals known to their management as far in advance as possible.

3. RIs should not normally be reassigned to the same facility even after an intervening assignment. Reassignments may be made to co-located facilities that would cause RIs to interact with a different licensee.

4. This policy applies to total site tour length and it is not affected by a promotion from resident inspector to senior resident inspector at a site.

5. RIs should not be assigned to a different location within the first four years after relocating unless specifically approved by the DEDR based on identified agency needs.

6. This policy applies to the Resident and Senior Resident Inspectors assigned at any of the reactor sites, fuel facilities, and gaseous diffusion plants.

References

1. SECY-98-152, "Summary of Issues and Recommended Improvements to the Resident Inspector Program," dated June 29, 1998.

2. Staff Requirements Memorandum, "SECY-98-152, "Summary of Issues and Recommended Improvements to the Resident Inspector Program," dated August 21, 1998.

3. Implementation of the Seven-Year Relocation Policy for Resident Inspectors , Memorandum from Hugh Thompson to all Regional Administrators, dated September 21, 1998

FIELD POLICY MANUAL

NO. 9 - NRC REVIEW OF INPO DOCUMENTS

Policy

The Institute of Nuclear Power Operations (INPO) operating plant evaluation reports, performance indicators, assistance visit reports, training accreditation reports, Significant Operating Event Reports (SOERs), and Significant Event Reports (SERs) are an independent assessment of licensee activities and events. The specific findings, recommendations, and corrective actions should not normally be referenced or followed-up by the NRC. Only in those cases where a significant safety issue is identified should the NRC conduct independent follow-up of licensee actions.

GUIDANCE

It is in the best interest of the NRC that INPO be able to conduct plant evaluations and assistance visits in an effort to improve nuclear safety. In addition to evaluations and assistance visits, INPO identifies and tracks significant technical issues through the SOER and SER programs. INPO also manages and implements the accreditation of licensee training programs. The NRC should ensure that these INPO programs remain independent from the NRC inspection program to the maximum extent possible. The following guidelines should be adhered to regarding INPO documents:

1. INPO findings, recommendations, and corrective actions should not be referenced in NRC inspection reports, Plant Performance Reviews (PPR), Plant Issues Matrices (PIM), or other agency documents unless the issue is of such safety significance that no other reasonable alternative is acceptable. INPO findings, recommendations and licensee corrective actions should not normally be tracked by the NRC. If the issue warrants tracking, it should be independently evaluated, documented and tracked as an NRC issue.

2. Resident inspectors should promptly read site-specific INPO evaluation and accreditation reports as part of their licensee monitoring and evaluation activities. The objective of this review is to determine if the results identify safety or training issues not previously identified by NRC evaluations. No inquiries of the INPO final rating should be made of the licensee. The fact that such a review has been conducted and whether additional follow-up is planned should be noted in the next inspection report. This documentation should not include a recounting or listing of INPO findings. The specifics of any significant differences between NRC and INPO perceptions of performance should be discussed with regional management. The Division of Reactor Projects (DRP) Branch Chief should review these reports during periodic site visits, and other members of the technical staff may review the reports if authorized by regional management or if specified in program instructions.

3. The Deputy Executive Director for Regulatory Programs (DEDR) will be notified by the Regional Administrator when NRC follow-up of INPO findings is necessary to ensure safety. Follow-up activities will be governed by IP 71707.

4. Under no circumstances will the NRC withhold or delay follow-up action on issues involving public health and safety issues.

5. The staff should not focus on the INPO-assigned ratings or pressure licensees to supply that information. If necessary, requests for ratings will be made to INPO through the Executive Director for Operations' office.

6. NRC personnel should not take possession of INPO evaluation documents, or make copies for NRC internal distribution absent extraordinary circumstances, or use these documents to form a basis for regulatory action.

7. NRC inspectors should not normally attend INPO exit meetings as this could stifle the communications exchange between the licensee and INPO.

8. SOERs and SERs should not be followed-up on a plant-specific basis except when a licensee utilizes their response to a SOER or SER to address a regulatory issue, or unless so directed by specific program instructions or the DEDR.

9. Access to Nuclear Plant Reliability Data System (NPRDS)/Equipment Performance and Information Exchange (EPIX) and network data should be coordinated by the Office of Nuclear Reactor Regulation and the Office of the Chief Information Officer in accordance with the INPO-NRC Memorandum of Agreement (MOA) and appropriate contracts. Inspectors should not normally obtain NPRDS/EPIX information through a licensee.

References:

1. Memorandum of Agreement (MOA) Between the Institute of Nuclear Power Operations and the U.S. Nuclear Regulatory Commission, as amended on November 27, 1996

2. NRC Inspection Procedure 71707, "Operational Safety Verification."

FIELD POLICY MANUAL

NO. 10 - CONDUCT OF EMPLOYEES

Policy

All NRC employees shall conduct themselves in a manner that bestows credit upon the NRC and the U.S. Government, and avoids the appearance of a conflict of interest.

Guidance

Government-wide regulations set forth standards of conduct, such as receipt of gifts and favors, outside activities, conflicting financial interests, the use of government time and resources, seeking future employment, misuse of information, impartiality in performing duties, financial disclosure, and post-employment restrictions (5 CFR Parts 2634-2640). NRC supplemental conduct regulations (5 CFR Part 5801) prescribe rules on outside employment and security ownership. Criminal conflict-of-interest statutes are found at 18 USC 201-209. Volume 7 of the Management Directives provides more guidance on these regulations and Inspection Manual Chapter 1201 provides additional guidance on NRC policy for employees involved in the inspection program.

The following guidance complements and reinforces existing regulations and guidance:

1. NRC employees shall conduct themselves in a professional manner. Unprofessional behavior, both during and outside of working hours, can discredit both the individual and the NRC. Examples of areas where there have been problems involving employee conduct include unauthorized use of government equipment, inappropriate attire, sexual harassment, and conduct of outside business during government time (such as conducting real estate business). The NRC will not tolerate inappropriate regulatory actions by the NRC staff, nor will it tolerate retaliation or the threat of retaliation against those licensees who communicate concerns to the agency. NRC staff whose actions are found to be contrary to this policy could be subject to disciplinary actions in accordance with the NRC Management Directive 10.99, "Chapter 4171, Discipline, Adverse Actions and Separations," or in accordance with the Collective Bargaining Agreement Between the U.S. Nuclear Regulatory Commission and National Treasury Employees Union.

2. Employees shall not enter any licensee's protected area or other facility if they are experiencing any effects of alcohol consumption. Alcohol should not be consumed during working hours or within 5 hours preceding any scheduled working hours at licensee or other non-NRC facilities; this includes lunch or other times when return to work at a licensee or other non-NRC facility is expected after a short time.

3. While at a licensee site or facility, employees must comply with any additional policies of the licensee (e.g., radiation protection, security, safety, and parking requirements). In some cases, possession of alcohol at an on-site parking lot, even if locked in the trunk of a car, would be a violation of a licensee's policy.

4. NRC employees shall conduct themselves in a manner that avoids even the appearance of a conflict of interest. Social relationships with licensee employees or contractors may also give the appearance of conflict of interest. Further, NRC employees are not to accept food, gifts, entertainment, favors, transportation or anything else that exceeds $20.00 in value from any party that has interests in NRC activities; even if the value of the item is less than $20.00, employees are encouraged to use appropriate discretion. However, accepting coffee, a pastry, soft drinks, or other refreshments during a meeting does not demand payment. NRC participants who accept meals should make appropriate adjustments on their travel vouchers consistent with current Federal Travel Regulations.

5. NRC employees shall cooperate with legitimate Office of Investigations investigations so as to not adversely affect the efficient accomplishment of the NRC mission. This cooperation shall include, but not be limited to, the provision of personal notes when requested by an investigator pursuant to an authorized investigation. Employees should consult with their Regional Counsel or the Assistant General Counsel for Administration regarding any questions or problems.

Because it is impossible to provide guidance on every possible situation that may arise, each employee should exercise sound judgment in their activities both during and outside of working hours.

The Office of the General Counsel (OGC), through its Deputy Ethics Counselors, provides advice, assistance, and counseling on matters covered by the Office of Government Ethics (OGE) regulations and other Federal ethics requirements. Employees should consult with their supervisor, Regional Counsel, or an OGC Deputy Ethics Counselor on any questions or problems.

Each office and region shall ensure that all employees are aware of their responsibilities under 5 CFR Parts 2634 -2640 and 5801, 18 USC 201-209, Volume 7 of the Management Directives, and Inspection Manual Chapter 1201, as applicable, and this field policy manual.

FIELD POLICY MANUAL

NO. 11 - COMMISSIONER VISITS TO LICENSEE FACILITIES AND WITH STATE OFFICIALS

Policy

Commissioner visits to licensee facilities and with state officials will be coordinated through the responsible Regional Administrator.

The Region is responsible for coordinating with the Office of Nuclear Reactor Regulation (NRR), and the Office of Nuclear Material Safety and Safeguards (NMSS) (as appropriate) to develop briefing materials to be used for these visits. The Region is also responsible for providing the required briefing materials to the Office of the Executive Director for Operations (OEDO) at least one week prior to the facility visit.

The Region (normally Regional State Liaison Officer (SLO)) is responsible for coordinating with Office of State Programs (OSP) to develop briefing materials for Commissioner visits.

Guidance

When notified by a Commission office of the planned visit to a licensee's facilities, the responsible EDO Regional Coordinator will notify the regional Division of Reactor Projects (DRP) staff or the regional Division of Nuclear Materials Safety (DNMS), as appropriate, and the responsible Regional Administrator. The regional DRP or DNMS staff is responsible for coordinating the development of the required briefing materials with the responsible project directorate (PD) or headquarters program office. The PD or program office contact should obtain relevant input from NRR, NMSS, or other offices, as appropriate, and provide to the responsible region the input for inclusion in the briefing materials. The Region will prepare and submit the required briefing material to the Chief, Regional Operations and Program Management Section, OEDO at least one week prior to the facility visit.

The briefing materials should be accurate, timely and concise and should be a format consistent with Reference 1. When possible, the packages may use previously prepared material (after appropriate updating) to minimize expenditure of staff resources. Material prepared for the Senior Management Meeting or Plant Performance Reviews may be used; however, caution should be exercised to prevent providing information that is predecisional or subject to Ex Parte/Separation of Functions provisions of 10 CFR 2.780 and 10 CFR 2.781 due to a pending adjudicatory proceeding. Regional counsel should be consulted to determine whether a proceeding is pending.

If requested, the responsible PD should verbally brief the Commissioner prior to the trip.

After coordinating with OSP, the regional SLO develops the required briefing materials for Commissioner visits with State officials. The material should be forwarded at least one week prior to the visit and should be a format consistent with Reference 1.

References:

1. A memorandum from Hugh Thompson on "Instructions for Developing Briefing Materials," dated June 9, 1997.

FIELD POLICY MANUAL

NO. 12 - COORDINATION OF NRC ACTIVITIES AT POWER REACTOR FACILITIES

Policy

NRC activities at licensee facilities are to be coordinated between the headquarters' program offices and the regions in order to ensure (1) efficient use of NRC and licensee resources, (2) consistency of regulatory activities, and (3) consideration of the impact of NRC activities on the licensee.

Guidance

Regional offices have overall responsibility for coordinating and scheduling NRC visits to reactor sites. All NRC visits to licensee facilities shall be coordinated with the appropriate region. To assist in coordinating NRC activities, the NRR project manager will be the focal point for coordinating and scheduling all visits by headquarters personnel with the appropriate region.

All NRC headquarters-led inspections, onsite meetings, and other activities are to be coordinated with the offices having project regulatory oversight responsibility. The office originating the site visit/inspection is responsible for notifying the other offices.

The Office of Nuclear Material Safety and Safeguards (NMSS) and the Office of Nuclear Regulatory Research (RES) will coordinate and schedule visits to commercial reactor sites with the regional office through the NRR project manager. The region will review and evaluate the request with special emphasis on minimizing impact on licensee resources.

After coordinating with the region and resolving any NRC conflicts, the NRR Project Manager will act as the initial point of contact with the licensee for announced headquarters inspections and visits.

Consistent with the Institute of Nuclear Power Operations (INPO) NRC Memorandum of Agreement, NRC inspections with two or more people that would overlap either preplanned or in progress INPO activities will normally be avoided. When these conflicts are discovered, the responsible EDO coordinator should be contacted. Conflicts will be resolved by the Chief, Regional Operations and Program Management Section, OEDO.

FIELD POLICY MANUAL

NO. 13 - WITNESSING UNSAFE SITUATIONS

Policy

When NRC personnel identify unsafe work practices or violations which could lead to an unsafe situation, they shall make every reasonable attempt to prevent them from occurring or continuing in their presence. When such situations are identified, a licensee representative shall promptly be notified so that corrective or preventive measures can be taken.

Guidance

A goal of the NRC inspection program is to witness licensee activities in as close to a normal environment as possible. From the assessment of these observations, conclusions are drawn relative to the licensee's ability to properly conduct licensed activities. Notwithstanding this goal, under no circumstances will an NRC inspector knowingly allow an unsafe work practice or a violation which could lead to an unsafe situation to occur or continue in his/her presence in order to provide a basis for enforcement action. If such a work practice or violation is in progress, or about to occur, the NRC inspector shall immediately bring the situation to the attention of the appropriate licensee personnel. This action shall be taken without regard for any impact it may have on the ability of the NRC to take future enforcement action.

FIELD POLICY MANUAL

NO. 14 - NRC INTERACTION WITH THE NUCLEAR ENERGY INSTITUTE (NEI)

Policy

Meetings held between the NEI, and the NRC staff should normally be public meetings.

Inspection of specific NEI initiatives or NEI programs at NRC licensed facilities should be conducted in accordance with an approved Temporary Instruction (TI).

Guidance

Part of NEI's charter is to organize and develop a common industry approach to resolve selected industry issues. When 80 percent of the NEI members approve of a proposed formal industry position, a consensus is established and it becomes a binding commitment on the entire NEI membership. It is in the best interest of the NRC that the industry and NEI take the lead in developing and implementing programs to address certain issues. However, NEI activities in no way offset the NRC's regulatory or safety responsibilities.

While the NRC encourages NEI to take the lead in addressing certain issues, it is expected that the NRC staff will convene technical coordination meetings with NEI during both the program development and program implementation phases for those NEI programs having an impact on our regulatory responsibilities. Such NRC-NEI meetings should be open to the public and conducted in a manner similar to NRC-licensee meetings, including pre-noticing pursuant to Management Directive 3.5 and the NRC policy statement on Staff Meetings Open to the Public, which was published in the Federal Register on September 20, 1994. If these meetings are convened for the purpose of developing a consensus between NEI (or other non-governmental parties) and the NRC staff, they are subject to the requirements of the Federal Advisory Committee Act (FACA). For information regarding the application of that Act, and methods of minimizing its impact, consult the Assistant General Counsel for Legal Counsel, Legislation and Special Projects, Office of the General Counsel , or the designated FACA attorney.

The NRC may find it necessary to conduct inspections in an area related to a specific NEI initiative (e.g., Performance Based Graded QA Inspections). In this event, NRC management shall issue a TI providing detailed guidance for NRC inspectors. In general, however, NRC inspections should focus on regulatory requirements and issues important to safety, regardless of their relationship to NEI's initiatives in the area of concern.

NO. 15 - RELEASE OF SENIOR MANAGEMENT MEETING INFORMATION TO THE PUBLIC

Policy

When a request for information is received under the Freedom of Information Act (FOIA) related to a Senior Management Meeting (SMM), regarding plants removed, placed or retained on the Watch List, or those plants sent a trending letter, most of the information generated for that particular SMM will be subject to disclosure. This information will be released in accordance with standard FOIA guidelines. For all other plants discussed at the SMM, all records will be withheld from disclosure. This policy will also apply to SMM information that is made available to the public through the NRC Public Document Room.

Guidance

Specific guidelines to be applied to requests to determine the extent of information releasable and for processing the request are as follows:

The Office of the Executive Director for Operations (OEDO) approves the release of records pertaining to the NRC SMM process, which is described in Management Directive 8.14, "Senior Management Meeting." These records include plant performance information, the applicable sections of the SMM Executive Summary, and the minutes of the SMM. When a request is received for SMM information, the OEDO shall be notified. Upon collection of the applicable documents by the responsible offices, the records shall be forwarded to the OEDO for release authorization. When SMM information is collected under the FOIA process, the FOIA Branch shall forward this information to the OEDO for review prior to release.

1. When there are requests for records related to one or more SMMs, it shall first be determined whether the plant(s) are/were on the Watch List.

   - Records pertaining to a plant that is placed on the Watch List or that received a letter identifying a declining trend in operational safety performance (trending letter) may be released upon screening and redaction of proprietary material, personal privacy material, and material which might compromise investigative efforts or reveal the identity of an alleger. (a)

   - Records pertaining to a "discussion plant" - a plant that was discussed at the SMM but was neither placed on the Watch List nor issued a trending letter - shall normally be withheld, except as discussed below, as predecisional information under Exemption 5 of FOIA. (b)

   - Records pertaining to a discussion plant may be released, provided that the plant was placed on the Watch List in subsequent SMMs or received a trending letter. The records eligible for release should, in general, be only those records supporting or associated with the SMM process that provides a sequential record of information and deliberations regarding the NRC's decision to place the plant on the Watch List or to issue the plant a trending letter. The screening process

described in paragraph (a) shall apply. (c)

- Should a plant that has been removed from the Watch List or for which the NRC has issued a follow-up letter indicating that the declining performance trend at the plant has been arrested subsequently be identified as a discussion plant, the SMM records shall normally be withheld under Exemption 5 of FOIA, unless the plant is again placed on the Watch List or issued a trending letter. (d)

2. When a request not specific to a SMM captures documents that were part of SMM preparation or minutes, all applicable documents submitted to the FOIA Branch will be highlighted to indicate their relationship with the SMM and processed in accordance with this Field Policy and standard FOIA guidance.

Footnote:

The above interim guidance will be in effect pending its incorporation into the Management Directives MD 3.4, "Release of Information to the Public," and MD 3.1, "Freedom of Information Act."

FIELD POLICY MANUAL

NO. 16 - COMMUNICATIONS BETWEEN THE NRC STAFF AND THE COMMISSIONERS' OFFICES

Policy

Information provided to a Commissioner's office, other than a verbal response to a request for factual information, will be provided via the Office of the Executive Director for Operations (EDO) and will be provided equally to all Commissioners' offices.

If, at any time, a member of the staff discovers that inaccurate or incomplete information has been provided to a Commissioner then appropriate corrections or updates should be provided.

Guidance

The following points of emphasis should be applied when communicating with Commissioner Offices:

1. Any member of the staff should feel free to respond to an inquiry from a Commissioner's office to provide factual information. Contacts from Commissioners' offices requesting factual information should be answered directly and promptly. Staff members will then inform their supervision about contacts of substance. Supervision, in turn, will notify upper management, including the Deputy Executive Director for Regulatory Programs (DEDR), through the EDO Staff.

2. Responses that involve significant staff effort or represent views on policy will be provided formally as described in the EDO Procedures Manual, Part III. Any case which requires the provision of documents or a written response will be transmitted via a transmittal note over the signature of the Assistant for Operations/Office of the Executive Director for Operations . The transmittal will include copies to all other Commissioners' offices, Office of the Secretary of the Commission (SECY), EDO, DEDR and the Deputy Executive Director for Regulatory Effectiveness (DEDE).

3. In some circumstances, documents provided to a Commissioner may be of such a narrow scope or may be so unique to an individual Commissioner's interests or field activities, that distribution to the other Commissioners' offices would be unwarranted. Examples include:

   (1) Documents taken by Commissioners from meetings while on field visits;

   (2) Collections or excerpts of publicly available documents provided in response to a specific Commissioner's request (e.g., selected excerpts from all EDSFI Inspection Reports); or

(3) Commissioner's briefing packages for field visits to reactor sites.

4. Given the above Policy, it is important that exclusionary determinations are made at an appropriate level. Such decisions should be cleared with the AO/OEDO and processed through management and the cognizant EDO Coordinator.

5. Occasions may arise where a member of the staff discovers that information which has been provided to Commissioners has become inaccurate or incomplete, or was inaccurate or incomplete, in the first place. When such a discovery is made, the Commissioners will be formally notified of the error via a transmittal note from the AO/OEDO. Corrections of information provided to the Commissioners will be made in as expeditious a manner as possible.

FIELD POLICY MANUAL

NO. 17 - PERIODIC PRESS BRIEFINGS

Policy

To increase public understanding of the NRC mission and programs, periodic media briefings will be conducted on regional and agency-wide issues/topics. The briefings will be in addition to those held on specific events or accidents in the Region.

Guidance

Regional Administrators should conduct periodic media briefings on regional and agency-wide issues/topics which will be useful to the news media. The media briefing should be held at various locations in the region. The briefings are to provide the media, and other interested parties, with an overview of the agency's current activities. An effective technique to generate interest is to relate some of the activities to specific "local" sites; however, the briefings are not intended to be detailed plant specific critiques.

To assist Regional Administrators in the selection of suitable topics, Technical Issue Papers are maintained by the Office of the Executive Director for Operations . Copies are also available on the NRC Web Site. These papers include a background discussion for each issue and a highlights sheet to use as desired during the actual press briefing. These papers are reviewed by the Office of Public Affairs. Each region may adapt this information to fit the circumstances at the briefings.

The Regions have considerable flexibility in implementing this policy. Regional Public Affairs Officers will be actively involved in this program, including notifying the affected media representatives, the public affairs offices of the affected utilities, if appropriate, and arranging for briefing locations.

FIELD POLICY MANUAL

NO. 18 - GUIDELINES FOR GRANTING EXCEPTIONS TO THE N+1 POLICY FOR ASSIGNING RESIDENT INSPECTORS TO MULTI-UNIT REACTOR SITES

Policy

Exceptions may be granted to the N+1 policy for assigning resident inspectors to multi-unit reactor sites. The Office of the Executive Director for Operations (OEDO) is responsible for assuring each deviation from N+1 is consistent with Commission policy (see references).

Guidance

A Regional Administrator, with Director, Office of Nuclear Reactor Regulation (NRR), approval, has the authority to establish exceptions to the N+1 policy for multi-unit plant sites. The exception will be justified based primarily on site performance.

- The region is responsible for requesting approval from the Director, NRR, for proposed exceptions to the N+1 policy. The exception request will include the Region's basis for the request. A copy will be provided to the Chief, Regional Operations and Program Management Section, OEDO.

- NRR is responsible for reviewing the exception request and for ensuring that the policy for approving exceptions is applied consistently for all regions.

- The Director, NRR, will notify the region, in writing, of NRR's decision. The region may implement the exception on receiving the Director's approval.

- The regions and NRR are responsible for monitoring exception site performance to assure exception justifications remain valid.

As an oversight function, OEDO will review exceptions granted after NRR's approval has been sent to the Region. This review is intended to assure exceptions conform to Commission guidance (SECY-92-354 and associated Staff Requirements Memorandum) and are consistently applied. Concurrence from OEDO is <u>not</u> required to implement the exception.

- If the region's exception request is approved, NRR will forward an information copy of the memorandum granting approval to the Chief, Regional Operations and Program Management Section, OEDO.

- The Chief, Regional Operations and Program Management, OEDO will have the package reviewed with emphasis on site performance and for consistency of application across regions.

References

1. SECY-92-354, "PROCESS FOR OBTAINING EXCEPTIONS TO THE N+1 POLICY," dated October 20, 1992.

2. Staff Requirements Memorandum, "SECY-92-354 - PROCESS FOR OBTAINING EXCEPTIONS TO THE N+1 POLICY," dated November 20, 1992.

3. Management Directive 8.6, Systematic Assessment of Licensee Performance.

Footnote: The subject policy is undergoing agency review and may change.

FIELD POLICY MANUAL

NO. 19 - GUIDANCE FOR RECOMMENDING THIRD PARTY ASSISTANCE TO LICENSEES

Policy

On occasion licensees ask agency employees for recommendations for obtaining help solving programmatic problems. This can create problems inasmuch as agency employees are prohibited from recommending the services of one or more people or organizations for a project under NRC regulatory jurisdiction. Providing such a recommendation violates 5 C.F.R. 2635.702, which prohibits Federal employees from using public office for endorsement of any product, service, or enterprise. However, the agency also has an obligation to provide assistance where possible in helping individual licensees solve problems where the health and safety of the public is involved.

Guidance

The following guidance is provided to assist employees who receive requests for assistance from licensees. Specific procedures implementing this guidance should be available in each region, the Office of Nuclear Reactor Regulation , and the Office of Nuclear Material Safety and Safeguards . There are two cases presented. Case #1 is for use when a licensee has a programmatic problem. This case allows time for the licensee to conduct research in obtaining assistance. Case #2 is for use when an immediate health and safety problem exists.

Case 1: An NRC employee receives a request for third party assistance from a licensee.

1. The employee shall as soon as practical notify his or her management.

2. Following consultation with management, the staff member may refer the requestor to any of the following sources:

   a. The current version of the Nuclear News Buyers Guide. If not otherwise available to the requestor, a copy of the Buyers Guide can be obtained by contacting the American Nuclear Society (Attn: Accounting Department), 555 N. Kensington Ave., La Grange Park, Illinois 60525.

   b. A licensee that has solved a similar problem (consult with office/regional management prior to providing the name). When providing the name of a licensee who has solved a similar problem, take special care that a perception of conflict of interest is not created and that the licensee is not under an Office of Investigations investigation for misconduct.

   c. An appropriate professional society such as the American Society for Mechanical Engineers or the Health Physics Society.

d. For materials or medical licenses, the staff member may recommend the following professional groups as a reference source: (This list is not exhaustive and others may be added after confirming that they are willing to assist in identifying third party sources of assistance.)

American Academy of Health Physics, Secretariat
8000 West Park Drive
McLean, Virginia 22102
Telephone: 703-790-1745

American Association of Physicists in Medicine
1 Physics Ellipse
College Park, Maryland
Telephone: 301-209-3100

Society of Nuclear Medicine/American College of Nuclear Physicians
Government Relations
1101 Connecticut Avenue, NW
Washington, DC 20036
Telephone: 202-429-5120

American College of Medical Physicists
1891 Preston White Drive
Reston, Virginia 22091
Telephone: 703-648-8966

Note: Regions may want to keep a list of local chapters in their regions for referral purposes.

Case 2: An immediate health and safety issue exists and it is not practical to take the action detailed in Case #1.

1. Refer the licensee to an appropriate equipment manufacturer.

2. Consult with NRC management (NRR, NMSS, or regional office). Following management approval the employee may refer the licensee to one or more qualified consultants/contractors who can provide prompt safety assistance.[1] Special care should be taken in connection with providing recommendations concerning consultants with whom the recommending staff has a personal or long standing relationship.

---

[1]If the issue is so immediate that it would not be practical to consult with NRC management before referring the licensee to someone who could provide the necessary prompt safety assistance, the employee should make the referral first, and then inform NRC management and document the event and justification.

3. Following the action, document the event and the justification for the action, and provide a copy to the Office of the Executive Director for Operations .

References

1. Letter from J. Taylor to Regional Administrators, NRR, and NMSS dated July 15, 1993, discussing "Recommending Third Party Assistance to Licensees."

2. SRM dated July 14, 1993, discussing "COMSECY-93-034 - Recommending Third Party Assistance to Licensees (OIG Report 91-72A)."

FIELD POLICY MANUAL

NO. 20 - INDUSTRY-SPONSORED SEMINARS OR TECHNICAL CONFERENCES

Policy

The staff should participate in industry-sponsored seminars or technical conferences to facilitate public awareness and understanding of NRC programs.

Guidance

Generally, the staff should participate in industry-sponsored seminars or technical conferences in cases where the seminar or conference:

1. Supports the exchange of information or education,

2. Permits the NRC to demonstrate a position of leadership,

3. Provides an opportunity for the staff to establish appropriate contacts, or

4. Discusses subjects where it would be considered beneficial for the NRC mission to exhibit regulatory interest.

When determining whether or not to participate in industry sponsored seminars or technical conferences, the staff should consider the following factors: sessions are open to the public; attendees represent a broad range of entities or interests; the agenda is balanced and is expected to present all of the important aspects of a particular topic; there is no predominance of a particular sponsor; and the sessions are not near, or do not have an obvious relationship to, an associated vendor demonstration fair or exposition. While these factors are not go/no-go criteria, attendance at any seminar or conference that does not meet all of the factors should be reviewed with management, up to the Deputy Executive Director for Regulatory Programs (DEDR) in highly visible cases or where our attendance could be perceived as an endorsement of a particular position.

The NRC generally should not participate in conferences where the primary purpose appears to be for the financial or business benefit of the sponsoring entity or the conference is promotional in content.

Since the NRC cannot control the subject matter discussed during an industry-sponsored conference, if the discussions approach issues that might lead to a specific regulatory decision or action, and the meeting is closed to the public, then the NRC attendee should suspend their participation in the conference and contact their management for further guidance regarding continued participation. (See the related guidance on "Public Attendance at Certain Meetings Involving the NRC Staff," Management Directive 3.5, which gives guidance for NRC-controlled meetings.)