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RECORD #108

TITLE: Protocol for Accompaniment on NRC Inspections

FICHE: 68592-230

0715/82

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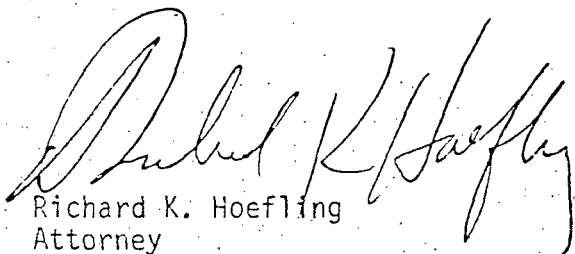
REGION VINE

November 2, 1982

Note to Faith Brenneman  
Region I  
State Liason Officer

PROTOCOL FOR ACCOMPANIMENT ON NRC INSPECTIONS

Attached are a cover letter to the State of Pennsylvania and Protocol for Accompaniment on NRC Inspections which incorporate the comments of OELD and IE. The language in the cover letter dealing with investigations was reviewed by OI. Copies of these documents are being sent to all Regional Administrators for information.



Richard K. Hoefling  
Attorney  
Regional Operations and Enforcement  
Division, OELD

cc: Regional Administrators  
J. Lieberman, OELD  
J. Taylor, IE  
J. Fitzgerald, OI

Commonwealth of Pennsylvania  
Department of Environmental Resources  
ATTN: Thomas M. Gerusky, Director  
Bureau of Radiation Protection  
Post Office Box 2063  
Harrisburg, Pennsylvania 17120

Dear Mr. Gerusky:

Thank you for your letter of August 24, 1982 and your interest in having personnel of the Pennsylvania Department of Environmental Resources accompany NRC regional-based or resident inspectors as observers on inspections of nuclear power plants located in the Commonwealth of Pennsylvania.

For any inspection that you wish to observe, your point of contact in the Region I office is Richard Starostecki, Director, Division of Project and Resident Programs. If accompaniment is approved by regional management, he will make appropriate arrangements with either the regional or resident inspectors. Usually one week's advance notice will be required of your interest in accompanying our inspectors. You should make separate arrangements on a continuing basis with specific licensees to assure your entrance to their facilities.

Because of the nature of investigations, which are normally conducted by a separate office of the Commission, and the requirement for a degree of confidentiality in the conduct of investigations, accompaniment of investigators normally would not be permitted.

Enclosed with this letter is a Protocol for Accompaniment on NRC Inspections that you are requested to complete and return to this office. The Protocol summarizes NRC policy in NRC inspection accompaniment and your agreement to abide by the criteria contained therein.

Again, thank you for your interest in our regulatory program and we look forward to cooperation with you.

Sincerely,

Ronald C. Haynes  
Regional Administrator

Enclosure:  
As stated

Protocol for Accompaniment on NRC Inspections

Persons employed by the Pennsylvania Department of Environmental Resources may accompany NRC staff on inspections conducted by NRC Region I inspection personnel, under the following terms and conditions:

1. Specific approval for each accompaniment will be obtained from the NRC Region I Office prior to accompanying an NRC inspection.
2. Accompaniment is limited to no more than two individuals on any single inspection.
3. Individuals accompanying NRC inspectors shall not, in any manner, interfere with the orderly conduct of the inspection. NRC inspectors are authorized to refuse to permit continued accompaniment by an individual whose conduct interferes with a fair and orderly inspection or whose conduct does not follow the terms and conditions included within this Protocol. The reports of information obtained by State participants under this Protocol should be subject to supervisory review as are all findings of NRC Inspectors.
4. NRC inspectors will not normally object to the presence of individuals accompanying them during inspections or discussions with the licensee regarding inspection matters covered by the accompaniment. The NRC reserves the right to exclude such individuals on a case-by-case basis from any portion of an inspection or a discussion if the presence of such individuals has the potential for impeding the inspector's ability to carry out his inspection.
5. Notwithstanding the other provisions of this Protocol, individuals accompanying NRC inspectors will not normally be provided access to proprietary information or information concerning the physical security plan for a facility. Exceptions to this provision will be considered on a case-by-case basis and may require execution of appropriate non-disclosure agreements.
6. Individuals accompanying NRC inspectors pursuant to this Protocol do so at their own risk. The Nuclear Regulatory Commission will accept no responsibility for injuries and exposures to harmful substances which may occur to such individuals during the

inspection and will assume no liability for any incidents associated with the accompaniment. Individuals accompanying NRC inspectors agree to waive all claims of liability against the Commission.

7. The NRC will not make arrangements for the persons accompanying the NRC inspector to gain access to the licensee's facility, but will inform the licensee that the NRC has no objection to the specific individuals accompanying the NRC inspectors. Arrangements to gain access to the licensee's facilities are the responsibility of the accompanying individual, subject to not disclosing the date of the inspection.

For the Commonwealth of Pennsylvania

          
Date

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