

November 16, 2011

MEMORANDUM TO: Region I Staff

FROM: William M. Dean /RA/
Regional Administrator

SUBJECT: REGIONAL INSTRUCTION 0540.1, REVISION 7,
A COMMUNICATION GUIDANCE ON PRELIMINARY
NOTIFICATIONS AND CONVEYING NEW INFORMATION
TO ASLB HEARING BOARDS^e

The enclosed Regional Instruction, entitled, "Communication Guidance on Preliminary Notifications and Conveying New Information to ASLB Hearing Boards," has been revised. There were several significant changes made as indicated below.

- ! The title of the procedure was changed from, "Communications Within the NRC," to better facilitate the staff locating this guidance when needed;
- ! Several changes were made to reflect the current practices for issuing Preliminary Notifications; and, to change the process for issuing PNs to select stakeholders by having the divisions (versus the docket room) perform that task electronically;
- ! References to Morning Reports were deleted since the agency terminated the issuance of Morning Reports in 2010;
- ! References to the Field Policy Manual were deleted as that procedural guidance was also deleted in 2010; and,
- ! Other miscellaneous updates to reflect the actions that now fall under the Office of FSME.

This Region I Instruction is located in the ADAMS Main Library, Region I Folder, Regional Instructions Folder. All staff should be familiar with, and be sensitive to, the guidance therein, as summarized herein.

Enclosure: Regional Instruction 0540.1, Revision 7

1/23

November 16, 2011

MEMORANDUM TO: Region I Staff

FROM: William M. Dean /RA/
Regional Administrator

SUBJECT: REGIONAL INSTRUCTION 0540.1, REVISION 7,
A COMMUNICATION GUIDANCE ON PRELIMINARY
NOTIFICATIONS AND CONVEYING NEW INFORMATION
TO ASLB HEARING BOARDS@

The enclosed Regional Instruction, entitled, "Communication Guidance on Preliminary Notifications and Conveying New Information to ASLB Hearing Boards," has been revised. There were several significant changes made as indicated below.

- ! The title of the procedure was changed from, "Communications Within the NRC," to better facilitate the staff locating this guidance when needed;
- ! Several changes were made to reflect the current practices for issuing Preliminary Notifications; and, to change the process for issuing PNs to select stakeholders by having the divisions (versus the docket room) perform that task electronically;
- ! References to Morning Reports were deleted since the agency terminated the issuance of Morning Reports in 2010;
- ! References to the Field Policy Manual were deleted as that procedural guidance was also deleted in 2010; and,
- ! Other miscellaneous updates to reflect the actions that now fall under the Office of FSME.

This Region I Instruction is located in the ADAMS Main Library, Region I Folder, Regional Instructions Folder. All staff should be familiar with, and be sensitive to, the guidance therein, as summarized herein.

Enclosure: Regional Instruction 0540.1, Revision 7

SUNSI Review Complete: RSB USNRC (Reviewer=s Initials)

Non-Public Designation Category: MD 3.4 Non-Public (A.3 - A.7 or B.1)

DOCUMENT NAME: G:\ORA\Barkley\Regional Instruction 0540 - Revised 8-17-2011.docx

After declaring this document an Official Agency Record it will not be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/TCA	RI/RC	RI/DRM	RI/DRM	RI/DRS
NAME	*RBarkley	*KFarrar	*LManning	PBaker	CMiller
DATE	08/18 /11	08/24/11	09/26 /11	11/15/11	09/30/11
OFFICE	RI/DNMS	RI/DRP	RI/RA		
NAME	*RLorson	DRoberts	WDean		
DATE	09/19 /11	11/08/11	11/15/11		

OFFICIAL RECORD COPY

REGION I INSTRUCTION 0540.1, REVISION 7

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

A. PURPOSE

To promulgate procedures for preparation and submittal of Preliminary Notifications and select communications with other NRC offices.

B. REFERENCES

1. NRC Inspection Manual Chapter 1120, Preliminary Notifications
2. SECY-84-97, dated February 27, 1984, Board Notifications
3. NRR Office Instruction LIC-201, NRR Support to Hearing Process
4. 10 CFR Part 2, Subpart G, Rules for Formal Adjudications
5. NUREG 1556, Vol. 20, Opportunity for Informal Hearing - Materials Licensing
6. NRC Inspection Manual Chapter 0970, Potentially Generic Items
7. Management Directive 8.1, Abnormal Occurrences Reporting Procedures
8. 10 CFR Part 2, Subpart L, Informal Hearing Procedures for NRC Adjudications
9. FSME Policy and Procedures 6-9, FSME Staff Support of the Hearing Process in 10 CFR Part 2.
10. OEDO web page, www.internal.nrc.gov/oedo/index.html

C. DISCUSSION

On a routine basis, Region I provides pertinent information to the Commissioners, licensing boards, headquarters staff, and other regional offices. For more uniform communication, the following enclosures provide guidance for Region I personnel:

Enclosure 1, Preliminary Notifications
Enclosure 2, Conveying New Information to Licensing Boards

In addition, five other vehicles for communicating information within the NRC are also used by Region I: (1) Inspection Manual Chapter 0970 provides guidance on the identification and reporting of potentially generic items; (2) Management Directive 8.1 provides guidance on the generation and review of Abnormal Occurrence Reports to Congress; and (3) OEDO Procedure 0240 provides guidance on Briefing Packages, (4) OEDO Procedure 0350 covers EDO Daily Notes, and (5) OEDO Procedure 0410 on Weekly Information Report preparation.

CONTACT: Technical Communications Assistant
Revision Responsibility – ORA

REGION I INSTRUCTION 0540.1, REVISION 7

D. **IMPLEMENTATION**

Primary responsibility for implementation of Enclosures 1 & 2 rests with the branch chief of the functional area requiring action. Each enclosure specifies the action to be taken to ensure proper implementation of this instruction.

E. **PERIODIC REPORTS**

None

F. **EFFECTIVE DATE**

This instruction is effective when issued and supersedes Regional Instruction 0540.1/6, dated 08/20/05, ACommunications Within the NRC.@

Approved: _____
/RA/
William M. Dean
Regional Administrator

Date: _____ 11/15/2011 _____

Enclosures: As Stated

Distribution w/encls:
DRM (Original)
Region I Employees

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
RI 0540.1/7

PRELIMINARY NOTIFICATIONS

A. Purpose

To prescribe the policy and procedure that will be followed for the preparation, submittal and distribution of Preliminary Notifications (PNs).

B. Discussion

On a routine basis, Region I provides pertinent information promptly to the Commissioners and other NRC management on matters that have or could have high public interest. Criteria for issuing written PNs and for telephonic notifications (Commissioners' Assistants Briefing) are provided in NRC Inspection Manual Chapter 1120.

C. Procedure Implementation

1. Notification of the Responsible Branch Chief

Any Region I staff member becoming aware of an event or occurrence which does or may meet the selection criteria for a PN (Inspection Manual Chapter 1120, Sections 1120-07 and -08) shall promptly notify the cognizant branch chief.

On occasion, a PN may involve matters pertinent to more than one division. For reactor matters, in such cases, the branch chief with project responsibility will inform the branch chief in the technical area who shall provide assistance to assure that the PN is accurate and technically correct.

2. Preparing the PN

- a. Draft. Information needed to complete a Preliminary Notification of Event or Unusual Occurrence should be provided via electronic file to the respective division administrative assistant. The division administrative assistant will provide a concurrence copy of the PN.
- b. PN Number. The PN number is a sequential Region I number for the year, selected by the administrative assistants from the next sequential number on the S:\PN drive and is entered in the PN headline.
- c. Subject. This is intended to be a brief title for the PN.
- d. PN Text. The PN text should be a concise (one page, if possible) description of the problem or event and its status. The initial paragraphs(s) should describe the time (a.m./p.m.) and date of occurrence; the buildings, areas, systems, etc., affected; and controls and protective measures applied or initiated. PN recipients include senior NRC managers, the Commissioners, Congressional staff, members of the media and the public. Thus the message should not contain unnecessarily technical words. Acronyms and abbreviations should be properly introduced upon their first usage [e.g., Loss of Coolant Accident (LOCA)].

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
RI 0540.1/7

After the descriptive paragraph(s), the PN should identify relevant additional actions planned by the licensee and/or the NRC and/or other government offices (including State governments).

The PN should also specifically state whether its contents have been communicated to the cognizant State government(s). If agencies such as the FBI or EPA have been notified, that should be stated also (non-notification of such agencies normally shall not be included).

NOTE: Communication of the contents of the PN means oral discussion. Only final PNs will be provided to individuals outside NRC.

If a licensee or NRC press release has been made or is expected, the PN is to so state. If no press release has been made or is planned, that is not to be stated in the PN.

- e. **Contacts.** One to two contacts and their telephone numbers should be listed for each PN. The contacts should be the persons who are most knowledgeable of the event, normally the person preparing the PN and their Branch Chief. If the PN was prepared by a technical branch, then the branch chief with project responsibility will also be listed as a contact. Complete telephone numbers shall be used on the PN since it is going public.
- f. **Concurrences.** Below the distribution section, document the Sensitive Unclassified Non-Safeguards Information (SUNSI) review and the required concurrences on the concurrence copy of the PN, not the original. Concurrences will be the cognizant branch chief, any branch chief whose branch provided technical assistance, division director, a Public Affairs Officer (PAO), and a State Liaison Officer (or a State Agreements Officer for a materials event). In every case, the organization having project responsibility is required to approve the document before it can be issued. Additionally, the organization having project responsibility is also responsible for promptly providing a copy of the final document to the PAO and the State Program staff after it is approved.
- g. **Accuracy Verification.** Before issuance, PNs will be checked for accuracy with the licensee, if practicable. That check is for factual correctness, not concurrence with PN issuance. Licensee confirmation should normally be obtained unless the consequent delay is unacceptable. It would be inappropriate, for example, to delay PN issuance if PN recipients may have to respond to media or other queries without benefit of the information in the PN.

The explanatory note directly under the line containing the PN number should state whether or not the licensee has confirmed the PN (see Attachment 2 for example). If the licensee disputes PN accuracy and the regional staff concludes that the PN is nonetheless valid, the explanatory

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
RI 0540.1/7

note should identify that disagreement exists and the PN text should identify the matter(s) in dispute.

3. Distribution. After approval, the final PN will be sent by E-mail to the various Headquarters offices (Attachment 1) and entered into ADAMS. The other addressees for PN distribution will be sent PN copies via email or facsimile by the responsible division administrative staff (Attachment 1). The agency and Region I distribution lists are maintained by HQ/NRR/DIRS/IOEB and the Region I/DRP or DNMS administrative staff, respectively.
4. Filing. The responsible division administrative staff ensures all PNs are placed into ADAMS for immediate release and distribution, and properly filed. See Inspection Manual Chapter 1120 for ADAMS template information and save an electronic copy of the PN in the S:\PN folder.

Attachments:

1. Preliminary Notice Distribution Sheet
2. Sample Preliminary Notice

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
Attachment 1
RI 0540.1/7

Attachment 1

PRELIMINARY NOTIFICATION DISTRIBUTION SHEET

The following NRC offices will receive distribution of the PN by E-Mail.

See current listing in PN Distribution Resource
(email listing maintained by HQ/NRR/DIRS/IOEB)

The following Region I and external locations will receive distribution of the PN via facsimile (or email):

1. Resident Inspector (email)
2. Plant Manager (see Region I licensee contact list)
3. INPO (Institute of Nuclear Power Operations) (Fax 770/644-8549)
(Verify No. 770/644-4732)
4. NSAC (Nuclear Safety Analysis Center) (Fax 650/855-1026)
(Verify No. 650/855-2768)
5. DOT (Department of Transportation) - For Transportation Events Only
(Fax 202/366-3753) (Verify No. 202/366-4545)
6. Region I State Liaison Officers
7. Region I PN distribution list (maintained by the Region I Admin Group {R1-DL-PN})

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
Attachment 2
RI 0540.1/7

Attachment 2

Date: December 31, 2001

PRELIMINARY NOTIFICATION OF EVENT OR UNUSUAL OCCURRENCE PNO-I-01-038

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

Facility:
PSEG Nuclear LLC
Salem Unit 2
Hancocks Bridge, New Jersey

Licensee Emergency Classification:
 Notification of Unusual Event
 Alert
 Site Area Emergency
 General Emergency
 Not Applicable

Docket No.: 050-00311
License No.: DPR-75
Event No.: 38599

SUBJECT: REACTOR TRIP AND SAFETY INJECTION

On December 31, 2001, plant operators stabilized Salem Unit 2 in hot standby after an automatic reactor trip and safety injection caused by failure of a pressurizer spray valve. The trip occurred at 12:09 a.m., when the reactor reached the overtemperature delta T setpoint following the failure and opening of a pressurizer spray valve (PS-3) two minutes earlier. While the operators attempted to take manual control of the pressurizer spray valve controller and close the spray valve as directed by their abnormal operating procedures, the controller failed to respond. Due to the pressure drop caused by the failed-open pressurizer spray valve, a safety injection signal was generated about one minute later when RCS pressure dropped below 1,765 psig. All emergency equipment responded as required. The pressure reduction was terminated at 1,725 psig when the reactor coolant pump supplying the affected pressurizer spray line was tripped and instrument air was isolated to the spray valve controller. Operators successfully terminated the injection per their procedures; pressurizer level reached the top of its indicating range, but the pressurizer did not go solid.

The unit is currently in Mode 3 at 540F. PSEG initiated an event investigation team as well as a post-trip review to determine whether both the operators and plant equipment performed as expected. PSEG is currently working to troubleshoot and repair the cause of the pressurizer spray valve controller problem as well as to investigate and repair other minor equipment problems noted following the reactor trip.

The resident inspectors responded to the event and observed control room activities. PSEG made initial notifications to the NRC, the resident inspectors and local township officials. The facts of this PN were verified with PSEG senior operations management. The Region I Public Affairs is prepared to respond to media inquiries.

The States of New Jersey and Delaware have been informed.

Contact: Richard S. Barkley
(610) 337-5065

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 1
Attachment 2
RI 0540.1/7

DISTRIBUTION (See Most Recent Listing Published by HQ/NRR/DIRS/IOEB)

By Email: RI Resident Office

By Facsimile:

DOT – For Transportation Events Only

INPO

NSAC

Licensee Plant Manager & Public Affairs Officer

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 2
RI 0540.1/7

CONVEYING NEW INFORMATION TO LICENSING BOARDS

A. Purpose

To promulgate guidance and procedures for providing prompt recommendations to NRR and FSME for their timely notification of Atomic Safety and Licensing Boards, Presiding Officers or the Commission. Such notification is appropriate for new and potentially important information which the staff considers relevant to one or more proceedings pending before the Boards or the Commission.

B. Discussion

The objective of this Instruction is to ensure that the NRC Board notification policy is implemented by the Region. While most Licensing Board notifications are made by NRR, and FSME, the Region may be directly provided with information that is related to a Licensing Board matter (e.g., allegation letter to Region I or a recent inspecting finding). Within the Region, the DRP or DNMS Division Director is responsible for collecting, evaluating and, within two days, forwarding to NRR or FSME the information that is relevant and material for Board Notification.

Commission policy requires that boards be provided new information developed or received after publication of the principal evidentiary documents (FES, SER and Supplement to SER). Broadly stated, the policy obliges all NRC staff members to be alert to the significance of new information developed in the course of their review. If such information could reasonably be regarded as material and relevant to an admitted issue before a Board, then Board notification is required. This requires the exercise of good judgment to assure that Boards will not be burdened with material beyond that potentially significant to the individual licensing proceedings. Contents of Board notification packages are specified in NRR Office Instruction LIC-201, "NRR Support to Hearing Process", Section 4.9, and FSME Policy and Procedures 6-9, "FSME Staff Support of the Hearing Process in 10 CFR Part 2".

C. Implementation

For Reactor Licensees:

1. Information regarding the cases pending before the Commission and Licensing Boards can be obtained from SECY and the ASLB.
2. Information which is required to be provided to sitting Boards is identified in NRR Office Instruction LIC 201, Section 4.9.
3. The following documents are to be evaluated by the Regional professional staff. Where appropriate, the documents are to be forwarded to the cognizant NRR Division Director with a recommendation for Commission and/or Board Notification (see LIC 201 for guidance).

- E Regional correspondence to and from licensees
- E Licensee reports of significant events

COMMUNICATION GUIDANCE ON PRELIMINARY NOTIFICATIONS AND
CONVEYING NEW INFORMATION TO ASLB HEARING BOARDS

Enclosure 2
RI 0540.1/7

- E Incoming Part 21 Reports
- E Allegations
- E Inspection/Investigation Report findings
- E Enforcement Actions

4. All regional technical staff who notice new information that is relevant and material are responsible for prompt notification of the issue to their branch chief. Applicable information will be forwarded to the responsible branch chief with projects responsibility (if the information was obtained from another source).

The issue is to be raised through the Project Branch Chief to their Division Director. Regional Counsel should be consulted when deliberating on whether specific information is relevant and material to an issue before a board. When agreement is reached that the information should be the subject of a Board Notification, a forwarding memo to the cognizant NRR Division Director should be prepared by the responsible Branch Chief using the guidance in LIC 201.

For Materials Licensees:

1. Board notifications are also required for information potentially relevant and material to facilities licensed under Parts 30, 40 or 70 and under FSME cognizance, although such formal hearings are very rarely requested. Recommended board notifications in such cases shall be made through the identifying individual's management to the Director, DNMS using the guidance in FSME Policy and Procedures 6-9. The DNMS Director is responsible for appropriate review and forwarding of the item(s) to the cognizant FSME Division Director.
2. An aggrieved member of the public has the right to request a hearing on any materials licensing action. The Atomic Energy Act does not, however, require that formal notice be given for materials licensing actions or that hearings on materials licensing actions be of a formal nature. Accordingly, the Commission established informal procedures for materials licensing actions and any hearings held on such actions as set forth in Subpart L of 10 CFR Part 2. In such instances, a member of the public may request a hearing on the action within: 1) thirty days of receiving actual notice of a pending application; or 2) within 180 days after NRC action granting an action in whole or part. Although the Commission is under no specific regulatory requirement to publish a Federal Register notice of a materials licensing action, in most cases such a notice is required whenever the staff makes an environmental assessment.
3. On occasion, members of the public have filed a request for a hearing with the staff (EDO), in conformance with 10 CFR 2.1205(f)(2), but have failed to comply with 10 CFR 2.1203, requiring that the hearing request also be filed with the Secretary of the Commission. When a reviewer becomes aware of a hearing request filed with the staff, they should determine whether the request has also been filed with the Secretary. If the license reviewer determines that the request has not been filed with the Commission, the reviewer should discuss the matter with the Regional Counsel.