



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415**

April 5, 2010

MEMORANDUM TO: Darrell J. Roberts, Director
Division of Reactor Safety

David C. Lew, Director
Division of Reactor Projects

THRU: John F. Rogge, Chief */RA/*
Engineering Branch 3
Division of Reactor Safety

FROM: Larry Scholl, Senior Reactor Inspector */RA/*
Engineering Branch 3
Division of Reactor Safety

SUBJECT: JOINT DRP/DRS POLICY 27/0530, INTERACTIONS WITH
MEMBERS OF THE PUBLIC OR STATE AND LOCAL
GOVERNMENTS

The purpose of this action is to perform a periodic review and update of Joint DRP/DRS Policy 27/0530, "Interactions with Members of the Public or State and Local Governments." The policy was recently revised to include minor editorial changes and clarifications. Revision 1 is attached for your review and approval.

A/AT

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SUNSI Review Complete: _____ jfr* (Reviewer's Initials)

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JOINT DRP/DRS POLICY NO. 27/0530, REVISION 1

INTERACTIONS WITH MEMBERS OF THE PUBLIC OR STATE AND LOCAL GOVERNMENTS

A. **Purpose**

This document provides guidance for interaction by the Division of Reactor Projects (DRP) and the Division of Reactor Safety (DRS) staff members with members of the public as well as state and local government.

B. **References**

Region I Online Website - Communications Corner

C. **Policy**

NRC staff members should always treat members of the public, as well as state and local governments, with courtesy, patience and sensitivity. Staff should respond promptly and professionally to all queries, written or verbal.

Keys to dealing with members of the public, as well as state and local governments include: (1) considering them as "our stakeholders" -- we are here to serve them (and others); and (2) being sensitive to their issue (i.e., see each interaction from the other's point of view). Consider the following points:

- calling and writing the Federal Government can be daunting for many;
- issues that sound familiar and routine to us may be unique, non-routine to outsiders;
- waiting to hear from the Federal Government, without any word, can be infuriating; and,
- our handling of an outside inquiry will often create a lasting first impression.

D. **Implementation**

The following guidelines apply:

1. Inquiries

All inquiries -- All inquiry responses should be courteous, tactful, empathetic and focused on facts (who, what, when, where). Mistakes and misinformation are more likely to occur when initial responses jump directly to how and why questions. Initially, get all the facts and clearly identify the information for which the person is asking. Responses shall be focused and concise. In those situations in which there is a need to address complicated issues and how and why questions, the response (verbal or written) should be based on careful review and coordination, relying on previously reviewed and documented information. Although some simple inquiries can be handled

on-the-spot, most will involve some research and coordination, and then a followup telephone reply. Technical personnel shall carefully screen all inquiries for allegations and, if identified, follow the allegation process. Also, be careful not to release sensitive or classified information (not for public disclosure).

Most requests for documents should be handled by providing directions for accessing publicly available information in ADAMS or on the NRC website. In some cases, when the information being sought is not readily accessible to the public, it may be appropriate to direct the individual to the Freedom of Information Act (FOIA) process. NUREG/BR-0010, Rev. 4, "Citizens Guide to U.S. Nuclear Regulatory Commission Information," provides an overview of the information we produce, and how to obtain it, including via the FOIA process. The brochure can be accessed at:
www.nrc.gov/reading-rm/docollections/nuregs/brochures/br0010/.

For inquiries from the media received by the technical staff, the staff should inform the Public Affairs Office (PAO) and their own branch chief of the discussions. Calls from either the public or the media may be referred to the PAO for response. Similarly, keep the Region I State Liaison Officers (RSLOs) informed of interactions with members of state and local governments. The following sections provide response time guidelines for inquiries. If the inquiry involves an issue of high significance, visibility, and/or sensitivity, the response time guidelines may need to be adjusted. In these cases the responsible divisional management should be consulted.

Telephone Inquiries -- Incoming calls should be referred immediately to a knowledgeable supervisor or experienced staff member in the appropriate division. If this is not possible, the phone message must be returned the same day. If no knowledgeable staff member is available that day, an offer should be made to arrange for a teleconference at a convenient time the next day between the technical staff and the member of the public. Traveling technical personnel should leave an extended absence greeting on voice mail in order to alert members of the public (and others) of their absence.

Written Inquiries -- If an allegation is not involved, send a reply letter within four weeks, explaining in plain language the answers to their questions as well as to whom telephone inquiries may be directed in the future. Branch chiefs (or above) are authorized to sign outgoing correspondence from the division. If a reply cannot be sent within four weeks, an interim acknowledgment to the individual should be made via either letter or phone call (documented in an e-mail to the division director). The preparation and issuance of the reply must be tracked in EDATS by a DRP, DRS, or the Office of the Regional Administrator (ORA) action item.

When preparing a written reply, NRC staff should consult with the Region I communications assistant for guidance in ensuring the signature level is appropriate and that the response is consistent with established NRC policy in the subject area of interest and that the response does not set an unintended precedent.

E-Mail Inquiries -- Factual replies to simple e-mail inquiries may be by e-mail. If a prompt e-mail response is not possible or if the inquiry is complicated or requests information on NRC policies or assessments, the guidance for written inquiries should be followed.

2. Interactions With States

General Expectations

NRC staff should be cognizant of the importance of establishing and maintaining good communications and working relationships with members of agencies responsible for representing their state in matters associated with NRC licensed activities. State agencies play a special role in the overall governmental process and may have important functions performed by knowledgeable personnel with significant expertise within their areas of responsibility. For example, the states perform a vital role in the area of emergency planning and emergency response. Their role is essential for ensuring an effective, well coordinated local, state and federal response to a serious event or accident at an NRC licensed facility. In all matters involving the states, the RSLO shall be involved early to provide their expertise, to perform appropriate communications with their state counterparts and provide advice to the NRC staff.

State Observation of NRC Inspections

Preparation Phase

NRC staff should work through the RSLOs to closely coordinate with representatives of state agencies that will be observing specific inspections. It is the state's responsibility to initiate a request to observe an inspection. However, if state accompaniment on a planned inspection is expected, it is a good idea to inquire about the state's intentions early, through the RSLOs, to ensure effective coordination.

The lead inspector should understand what portions of the inspection are to be observed and make arrangements with the state representative to facilitate their observation. The NRC encourages states to observe the full inspection. The level of involvement of a state observer should be clear to the lead inspector, and the level must not be so limited as to jeopardize effective state observation. If the state observer will not be involved in the inspection activity on a full time basis, it is particularly important that the lead inspector and state representative arrange for effective information exchange. The state observer should have access to the inspection plan and all licensee documents being used by the team members during their preparation.

NRC inspectors should be knowledgeable of the expectations and conditions listed in the "Protocol for State Observation of NRC Inspections" (or in the New Jersey letter of agreement for inspections involving power plants in New Jersey) for both themselves and for the state observers. In most cases, it will be necessary for the state observer to sign a copy of the Protocol agreement to indicate accord. Consult the RSLOs to determine if a signed agreement is required or has occurred.

The NRC staff should be aware of any contentions the state may have filed in ongoing licensing hearings, or any other issues the state may have concerning the inspection activity. However, the NRC would not normally expect any state involvement in legal proceedings on plant issues to affect the cooperation with states during plant inspections.

On-Site Inspection and Exit Meeting Phase

The lead inspector should keep the observer informed of inspection plans and progress, as well as any activities that the observer may have missed. For team inspections, the team leader is responsible for facilitating state representative observation. *State observers should be informed of, and invited to participate in, scheduled team meetings.* The lead inspector should interface with the state observer on a regular basis during the inspection, before departing the site upon completion of the inspection, before any re-exit meeting, and prior to the report issuance.

The team leader should elicit and address any observations or concerns the representative may have during the course of the inspection. A team member should lead any inspection-related engagement of the observer with the licensee. The observer will continue to have access to all information being utilized by the inspectors, and this access will continue through completion of the inspection and the exit meeting. The state should be informed if changes to inspection findings are made after the exit meeting, as well as any plans for subsequent re-exit discussions with the licensee.

For large team inspections (e.g. engineering, fire protection, problem identification and resolution, and license renewal teams), the responsible branch chief should work through the regional state liaison officer to contact the state agency to ensure coordination and communication between the representative and the team is functioning effectively. Inspectors should obtain guidance from division management and the regional counsel on any questions related to the state representative's involvement. Also, issues or conflicts that cannot be resolved by the lead inspector and state observer should be promptly elevated to NRC management for resolution, to ensure the timely completion or quality of the inspection activity is not adversely impacted. Whether an individual or team inspection, early planning and good communications on the part of the NRC and state personnel should allow for effective state observation that does not impact the successful completion of the inspection activities.

The RSLOs and NRC MD 5.2, "Memoranda of Understanding with States," can provide additional details about policies and practices for state cooperation.

E. Revision Responsibility

The Division of Reactor Safety, Engineering Branch 3 and Division of Reactor Projects, Technical Support and Analysis Branch, will be responsible for revisions to this policy.

F. Periodic Audits and Reports

There are no audits or reports associated with this policy.

G. **Effective Date**

This policy is effective upon issuance and will remain in effect until superseded.

Approved: /RA/
Director, Division of Reactor Projects

Date: 03/26/10

Approved: /RA/
Director, Division of Reactor Safety

Date: 03/31/10