



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

STDS
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NOV 2 1976

All PM Personnel

PM OPERATING PROCEDURE 218
COORDINATION AND DISCLOSURE OF NEW TECHNICAL INFORMATION RELEVANT TO
ONE OR MORE LICENSING PROCEEDINGS

Background

In 1973 the Atomic Safety and Licensing Appeal Board (ASLAB) admonished the staff and applicants to keep the Atomic Safety and Licensing Boards (ASLB) and parties informed of new data which is relevant and material to licensing proceedings, so as to assure that the ASLB's are kept informed as to new technical information which may be relevant to ongoing proceedings. In ALAB-143, dated 9/6/73, the ASLAB cited the staff's failure to inform the McGuire ASLB of changes in the applicant's QA program in a timely manner. The staff has attempted to be responsive but has had no formal or uniform procedures for identifying and evaluating situations in which there might be a disclosure obligation. There is a need to disclose information to the ASLB not only in the proceeding where the information was developed but also in other proceedings where the information might be material and relevant.

This procedure provides guidance to the staff by establishing a uniform practice for the disclosure of new technical information relevant to one or more licensing proceedings. It is addressed to DPM personnel and specifically to the LPM's who must initiate and coordinate the required actions with regard to safety-related information. However, it is equally applicable to EPM's with respect to their areas of responsibility. In addition, reviewers in DSS, DSE and DPM must be aware of this disclosure requirement and should be alert to recognizing such new issues or problems and bringing them to the attention of the appropriate PM.

Procedure

This procedure is somewhat less specific than other PMOP's. At least initially, much is left to the judgement of NRR and ELD management, based on the facts of specific cases. Some aspects of the procedure which are judgmental include: (1) testing for materiality and relevancy, especially where the new information is characterized by opinion rather than fact; (2) determining how promptly and in what form such information can and should be disclosed, especially at what point in the licensing

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process this should be done and (3) how much technical analysis must be made before a proper determination is possible.

The procedural steps are described below. They assume that the project manager's case in question will have a hearing. The same general procedure should be followed even if there is no hearing, as the information might be relevant to another proceeding.

1. The project manager identifies any new problem, issue or other significant matter which might be relevant to the hearing proceeding on his case. Each LPM and EPM is responsible for highlighting those matters that fall within the scope of his hearing responsibility.
2. The project manager prepares a memo to his Assistant Director through his Branch Chief to notify him of the new information which might be significant to the conduct of the hearing. This memo should indicate that the subject matter relates to the question of disclosure of new technical information relevant to a proceeding and should contain enough detail about the issue and its potential relevance to the hearing so that a management determination is possible as to whether there is significance to that or any other proceeding. Copies of this memo should be sent to: Director and Deputy Director of NRR, Directors of DPM, DSE and DSS, Deputy Executive Legal Director, Chief Hearing Counsel - OELD, and assigned case attorney.
3. The appropriate Assistant Director, NRR, and the Chief Hearing Counsel, ELD, will review the memo and obtain additional background and facts as necessary. They will make a joint determination as to whether the new information or problem is material and relevant to a particular proceeding. For matters which are deemed to be relevant in any one proceeding, they also will determine the materiality and relevance to all other on-going proceedings. In general, if there is uncertainty about the relevancy and materiality of the new information, it should be disclosed to the ASLB.
4. The appropriate Assistant Director, NRR, and Chief Hearing Counsel, ELD, will determine, in each case, what documentation is needed and if and when notification and disclosure to one or more ASLB's is appropriate.
5. If the item is deemed to be relevant and is provided to one or more ASLB's, the cognizant PM will assure that copies of all documentation are placed in the appropriate dockets in the NRC and local PDR's. Copies also should be sent to other affected PM's, assigned case attorneys and applicants.

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6. When the action has been completed, the cognizant PM prepares a memo to his Assistant Director through his Branch Chief confirming and summarizing the actions taken. Copies of this memo should be sent to: Director and Deputy Director, ONRR, Directors of DPM, DSE and DSS, Deputy Executive Legal Director, Chief Hearing Counsel - OELD, affected project managers and attorneys.

The action should be completed as rapidly as practicable but the specific timing must be determined in each case.



Herbert N. Berkow
Program Assistant to Director
Division of Project Management

cc: B. Rusche
E. Case
R. Boyd
H. Denton
R. Heineman
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All DSS Personnel
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ROUTING AND TRANSMITTAL SLIP

Date 6/11/79

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Dick Hartfield		
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Action	File	Note and Return
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Coordination	Justify	

REMARKS

A copy of Office Letter No. 19 and PMOP 218 are attached per our conversation this morning.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) H. Berkow	Room No.—Bldg. 268
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