

NUREG/BR-0075
Revision 2



United States
Nuclear Regulatory Commission

NRC Field Policy Manual

Office of the Executive Director for Operations

September 1991

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

SEP 5 1991

MEMORANDUM FOR: Distribution

FROM: James H. Sniezek
Deputy Executive Director
for Nuclear Reactor Regulation,
Regional Operations and Research

SUBJECT: FIELD POLICY MANUAL (FPM)

The NRC Field Policy Manual (NUREG/GR-0075) is being reissued in its entirety to incorporate changes in Field Policies, to distribute new policies, and to distribute it to a more expanded distribution list. The new distribution list includes all members of NRC management, down to and including Section Chiefs and each Resident Inspector office. This revised distribution will ensure that the policies within the FPM are consistently implemented within the entire staff.

The intent of this manual is to provide policy and guidance to all members of NRC management on subjects that do not fall within the exclusive purview of one headquarters office or region and are not currently included in the NRC Manual. As such, the FPM addresses broad policy matters that need to be understood and consistently applied by headquarters offices and regions.

Regional and headquarters offices should implement office level procedures, where appropriate, to effect the policies of the FPM.

Any comments or suggestions pertaining to the FPM should be directed to the Chief, Regional Operations Staff, DEDR. Future revisions, additions, or deletions will be made as appropriate.

A handwritten signature in cursive script that reads "James H. Sniezek".

James H. Sniezek
Deputy Executive Director
for Nuclear Reactor Regulation,
Regional Operations and Research

Enclosure:
NRC Field Policy Manual

FIELD POLICY MANUAL

CHANGE NOTICE 91-01

Transmittal
Notice

Date

Superseded
Number

91-01

August 12, 1991

90-01
FPM dated October 15, 1990

Replace FPM dated October 15, 1990 in its entirety with the currently provided FPM dated August 12, 1991.

NRC FIELD POLICY MANUAL

FOREWORD

PURPOSE

The NRC Field Policy Manual (FPM) provides policy and guidance to Office Directors and Regional Administrators from the 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 Manual or guidance documents from the NRC Headquarters Offices such as the NRC Inspection Manual.

RESPONSIBILITIES AND AUTHORITIES

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research (DEDR)

Approves NRC Field Policies.

Chief, Regional Operations Staff, DEDR

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 system.

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 DEDR 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 Information Resources Management 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 asterisks 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.

Change 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., 90-1, 90-2.

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.

FIELD POLICY MANUAL

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Issue Date: October 15, 1990

FIELD POLICY MANUAL

NO. 1 - COORDINATION WITH FBI

Policy

The 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 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 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 threat, theft, or sabotage regarding nuclear facilities or nuclear materials shall be referred to the regional Information Assessment Team member who will notify NMSS.
 - c. Regional Administrator 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.
 - d. Threats made toward NRC inspectors shall be promptly brought to the attention of the FBI.
2. OI shall advise the Regional Administrators of matters of health and safety and will advise IG of matters regarding the conduct of NRC employees and contractors.

Reference

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. FBI and NRC MOU for Cooperation Regarding Threat, Theft, or Sabotage in U.S. Nuclear Industry, April 23, 1979.

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. The plan will be used to convey expectations, to establish accountability, and to manage resources within budget. It constitutes an agreement between the regional administrator and the office director(s) as to what is to be accomplished in the program area and will be the basis for headquarters' assessments of program implementation.

Guidance

1. Information as to resources available during the upcoming fiscal year should be based on "The Budget Estimates for Fiscal Year 19xx" or what is commonly known as the Greenbook. The Greenbook for the upcoming fiscal year is published in early February of the present fiscal year. Because the resources in the Greenbook are organized by program areas, NRR generally publishes at the end of April of the present fiscal year a more specific breakdown of FTE allocations by region. This data would be useful in preparing the Regional Operating Plans.
2. Regional Operating Plans are to be prepared by the regional office and coordinated with and concurred in by NRR, NMSS, AEOD, and OE before submittal to the Deputy Executive Director for NRR, Regional Operations, and Research (DEDR).
3. The Regional Operating Plan for the upcoming fiscal year should be submitted to the DEDR by September 1 of the present fiscal year.
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 the programs of more than one program office the program office or region proposing the change will seek agreement from those other program offices.
 - c. If the best efforts of the program office directors and the regional administrators results in disagreement, this should be brought to the attention of the DEDR promptly.

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- d. These procedures are to 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 DCDR after all concurrences.

Issue Date: August 22, 1990

FIELD POLICY MANUAL

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 acquired by that employee in performance of his official duty without prior approval of the General Counsel. (10 CFR §9.102)
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 field-based NRC employees by private litigants or State and Federal agencies seeking testimony should be directed to the Regional Counsel who will contact the Office of General Counsel (OGC). Headquarters employees should direct inquiries to OGC.
2. OGC will review all the summaries of expected testimony and will decide whether a claim of privilege should be asserted. 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.

Issue Date: August 22, 1990

FIELD POLICY MANUAL
NO. 4 - BOARD NOTIFICATION

Policy

Beginning 30 days prior* to the start of a hearing, the NRC staff is under an obligation to keep Licensing Boards and Appeal Boards apprised of significant new developments in pending cases.

Guidance

1. In operating license and construction permit hearings, 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 Boards 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.

*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.

Issue Date: August 22, 1990

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 interface 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 interface 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

1. Headquarters and regional offices should schedule periodic program 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 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 Staff, DEDR.
5. 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.

Issue Date: August 22, 1990

FIELD POLICY MANUAL

NO. 6 - REGIONAL OFFICE MANAGEMENT MEETINGS

Policy

The frequency of regional office management meetings 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 FPM, a regional office management meeting is a meeting within a region of 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. (a) Regional office management meetings should be planned and scheduled in conformance with the following criteria:
 - i. The meeting must be sponsored at the Regional Administrator or Deputy Regional Administrator level (not Division level or below);
 - ii. Each meeting should not exceed 2 days;
 - iii. The meeting should be held within 100 miles of the regional office;
 - iv. No outside contractors or consultants should attend the meeting; and
3. If all the above criteria are met, then the DEDR's approval of the meeting(s) is not required. However, the DEDR should be informed in writing 3 weeks prior to the meeting.
4. If all the above criteria for planning and scheduling a regional office management meeting are not met, then DEDR's approval is required prior to holding the meeting.

Issue Date: August 22, 1990

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 (for Region V, the Director, Division of Reactor Safety and 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 DEDR shall be notified (in advance when possible) of the instances when the above guidance cannot be met.

Issue Date: August 22, 1990

FIELD POLICY MANUAL

NO. 8 - RESIDENT INSPECTOR RELOCATION POLICY

Policy

The desired maximum tour length of a resident inspector assignment at a site is 5 years.

Guidance

1. Resident Inspectors are expected to relocate from the site assignment after 5 years. Residents due to rotate during the winter months or early spring may be granted an extension to the summer months with Regional Administrator approval. Other extensions of the 5-year tour length must be approved by the DEDR.
2. As residents approach the 5-year point at a site, the agency will give priority to inspector requests for a lateral transfer. Earlier transfers can be made when consistent with agency needs. In either case, residents are encouraged to make their desires and career goals known to their management as far in advance as possible.
3. Resident Inspectors should not normally be reassigned to the same facility even after an intervening assignment.
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.

Issue Date: August 22, 1990

FIELD POLICY MANUAL

NO. 9 - NRC REVIEW OF INPO DOCUMENTS

Policy

INPO operating plant evaluation reports, performance indicators, assistance visit 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. 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, SALP, or other agency documents unless the issue is of such significant safety concern 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 a NRC open issue.
2. Senior Resident Inspectors should promptly read site-specific INPO evaluation reports as part of their licensee monitoring and evaluation activities. The objectives of this review are to determine if the results of the INPO evaluation are generally consistent with the results of similar evaluations conducted by NRC, and, to ensure that significant safety issues identified by INPO have been reported to the NRC as required by the NRC-INPO MOA. Significant differences between INPO and NRC evaluations and INPO identified safety issues should be promptly brought to the DRP Section Chief's attention. The DRP Section 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. When NRC follow-up of INPO findings is necessary to ensure safety, the guidance in Inspection Procedure 71707, "Operational Safety Verification" should be followed, including notification of the DEDR by the Regional Administrator.

4. Under no circumstances will the NRC withhold or delay follow-up action on issues involving significant 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 EDO's Office.
6. NRC personnel should not take possession of INPO evaluation documents, make copies for NRC internal distribution, or use these documents to form a basis for regulatory action.
7. NRC inspectors should not routinely 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 DEDR.
9. Access to NPRDS and network data should be coordinated by AEOD and IRM in accordance with the INPO-NRC MOA and appropriate contracts. Inspectors should not normally obtain NPRDS information through a licensee.

References

1. Memorandum of Agreement Between the Institute of Nuclear Power Operations and the U.S. Nuclear Regulatory Commission, dated October 20, 1988.
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 even the appearance of a potential conflict of interest.

Guidance

NRC regulations in 10 CFR 0, "Conduct of Employees," set forth standards of conduct and restrictions relating to various areas including conflict of interest, outside employment, future employment, gifts and misuse of information. The Office of General Counsel (OGC) also provides advice and assistance on legal issues relating to the conduct of employees.

In addition to complying with 10 CFR Part 0, the following guidance is provided as a matter of policy. This guidance goes beyond the legal requirements; however, NRC personnel should make every attempt to follow this guidance and exercise good judgment at all times.

1. All employees should not consume alcohol during working hours or prior to any working hours at licensee or other non-NRC facilities when the employee expects to be involved in any agency activity, inspection, review, or technical meeting. This includes lunch or other times when the employee expects to return to the facility after a short time.
2. Employees shall follow the licensee's rules regarding possession of alcohol on licensee owned/controlled property.
3. Employees should not enter any licensee's protected area or other facility if there are any lingering effects of alcohol consumption. In addition, employees should be aware that inappropriate behavior both during and outside of work hours can discredit both the individual and the agency.
4. It is imperative that NRC employees conduct themselves in a professional manner that avoids even the appearance of a conflict of interest. NRC employees shall not accept food, gifts, entertainment, favors, or anything else of value from any party that has interests in NRC activities (prohibited sources). When there is a working level lunch, NRC participants should always pay their share. However, accepting a few cups of coffee, a sweet roll, or a can of soda during a working level meeting does not demand payment. Because it is impossible to provide guidance on every possible situation that may arise in dealing with outside organizations and individuals, each employee must use his/her own good judgment. When questions arise, employees should consult with their supervisors.

Each office/region shall ensure that all employees are aware of their responsibilities under 10 CFR 0 and the content of this policy.

Issue Date: August 22, 1990

FIELD POLICY MANUAL

NO. 11 - COMMISSIONER TRAVEL TO LICENSEE SITES AND STATE OFFICIALS

Policy

Commissioner visits to licensee facilities and State officials will be coordinated through the appropriate Region's Deputy Regional Administrator.

The Region is responsible for coordinating with NRR, AEOD, and NMSS (as appropriate) to prepare a background package for licensee facilities for the Commissioner's use. The Region is responsible for providing this package to the Chief, Regional Operations Staff, DEDR, for review and forwarding to the Commissioner's staff at least 1 week prior to the facility visit.

The Region (normally Regional State Liaison Officer) is responsible for preparing a background package for visits with State officials, and forwarding the package to OGPA for review and forwarding to the Commissioner's staff at least 1 week prior to the visit.

Guidance

The Deputy Regional Administrator will normally be contacted by the Commissioner's staff to initiate the process of making arrangements with the licensee for the Commissioner's site visit. Appropriate Regional staff should then make all necessary arrangements with the licensee based upon input from the Commissioner's staff. A Regional representative should notify the OEDO/Regional Coordinator and the NRR/NMSS Project Manager after initial arrangements have been made.

The Region will coordinate the preparation and submittal of background packages for Commissioner visits to licensee facilities. The Region, AEOD, NMSS and NRR are expected to provide input as appropriate. The Headquarters Program Office should be prepared to verbally brief the Commissioner prior to the trip if requested. The briefing package should be provided to the EDO's Office at least 1 week prior to the Commissioner's visit and should contain the information specified in the November 16, 1990 memorandum from DEDR titled "Commissioner Visits to Licensee Sites and State Officials."

The background packages should contain information that is accurate, timely and concise. 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 Quarterly Plant Performance Reviews may be appropriate; 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.

Issue Date: August 22, 1990

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

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.

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 coordination of NRC activities, the NRR project manager will be the focal point for coordinating and scheduling all visits by headquarters personnel with the appropriate region.

AEOD, NMSS and RES will coordinate and schedule visits to commercial reactor sites with the regional office through the project manager. The region will review and evaluate the request and ensure that proposed visits are integrated with the schedule of activities planned for the site.

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.

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 preventative 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.

Issue Date: October 15, 1990

FIELD POLICY MANUAL

NO. 14 - NRC INTERACTION WITH NUMARC

Policy

Meetings held between the Nuclear Management and Resources Council (NUMARC) and NRC staffs should normally be public meetings.

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

Guidance

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

Notwithstanding the NRC's encouragement of NUMARC to take the lead in addressing certain issues, it is expected that the NRC staff will have technical coordination meetings with NUMARC during both the program development and program implementation phases for those NUMARC programs having an impact on our regulatory responsibilities. Such NRC-NUMARC meetings should be open to the public and conducted in a manner similar to NRC-licensee meetings, including pre-noticing.

The NRC may find it necessary to conduct specific inspections in an area related to a NUMARC initiative. NUMARC and its members are concerned that NRC inspectors will interpret NUMARC commitments and initiatives differently from that intended by NUMARC and thus create new requirements or backfits. In order to ensure appropriate NRC management review of inspection plans in areas related to NUMARC initiatives or programs, a Temporary Instruction is to be issued detailing specific inspection guidance. In general, NRC inspections should focus on regulatory requirements, regardless of their relationship to NUMARC initiatives. These types of inspections would normally be conducted regardless of NUMARC activity in the area of concern.

FIELD POLICY MANUAL

NO. 15 - FREEDOM OF INFORMATION ACT (FOIA) -
RELEASE OF SENIOR MANAGEMENT MEETING INFORMATION

Policy

When an FOIA is received that requests information related to a Senior Management Meeting (SMM), the identifiable documents will be processed in the following manner:

1. For plants discussed at the SMM, but not added to or retained on the problem plant list, all records will be withheld from disclosure.
2. For a plant placed or retained on the problem plant list, most of the information generated for that particular SMM will be subject to disclosure. It will be released in accordance with standard FOIA guidelines.

Guidance

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

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 problem plant list. If the plant(s) are not or have not been on the problem plant list, the FOIA request will be denied in its entirety.
2. When there are requests for the minutes of a SMM, the FOIA request will be sent from the FOIA Branch to the Chief, Regional Operations and Program Management of the EDO staff.
3. When there are requests for documents that were used to develop the positions that were arrived at during SMM(s), the FOIA request will be sent by the FOIA Branch to the appropriate Program Office(s) for processing.

Subsequent to the staff review, all documents should be forwarded to the FOIA Branch through the Chief, Regional Operations and Program Management of the EDO staff.

4. 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 SMM and processed in accordance with this Field Policy and standard FOIA guidance.

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 EDO and will be provided equally to all Commissioners' offices.

If, at any time, a member of the staff discovers that information provided to a Commissioner is inaccurate or incomplete, corrections or updates, as appropriate, will be provided to the Commissioners.

Guidance

The following points of emphasis should be applied when communicating with Commissioner's 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 DEDR, through the Regional Coordination Staff.
2. Responses that involve significant staff effort or represent views on policy will be provided formally as described in the EDO Procedures Manual, Chapter 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 AO/OEDO. The transmittal will include copies to all other Commissioner's offices, SECY, EDO, DEDR and, if applicable, DEES. (See EDO Procedure Manual, Chapter VIII, particularly paragraphs D and E.)
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 the chain-of-command and the cognizant Regional 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.

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