

UNITED STATES NUCLEAR REGULATORY COMMISSION

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FILING INSTRUCTIONS

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II. COMMISSION PAPERS

General

Commission papers, also referred to as SECY papers, include responses to questions raised by the Chairman and the Commissioners, those initiated due to petitions for rulemaking, and those initiated by the staff when it identifies an issue or technical development which should be brought to the Commission's attention for information purposes or for action.

The SECY papers constitute the principal instrument by which the Commission receives information needed for making decisions. Certain decisional SECY papers are acted upon by formal Commission vote at a Commission meeting. Other papers are acted upon by individual Commissioner notation vote and do not require a Commission meeting to complete the action. The "Commission meeting" is discussed in Chapter IV. See Exhibit 1 for an illustration of a typical SECY paper and its standard entries.

Exhibit 2 is a flow chart tracking a SECY paper through various offices from the time it leaves the originating office to its final disposition.

A. Types of SECY Papers

Based on their purposes and contents, the SECY papers can be categorized into the following types:

1. Commission Meeting Papers

Purpose - To present major policy issues for discussion and decision by the Commission at a scheduled meeting.

Format - a) alternatives
b) pros and cons of each alternative
c) recommendations

Note - a) A Commission meeting paper should include an objective analysis of the reasonable alternatives presented in the paper, and should show why an alternative is preferred and therefore recommended.
b) Do not simply present a staff's point of view and try to justify it in the paper.
c) These papers address major issues and the Commission usually are formally briefed by staff.
d) See Exhibit 3.

2. Affirmation Papers

Purpose - To present relatively major policy issues - usually on rules and regulations - as compared to Meeting papers. Included are those which:

- a) do not appear to have far-reaching implications;
- b) represent only a small extension, modification, or elaboration of existing policy; or
- c) do not appear to set new precedent or to constitute a major departure from existing policy. Affirmation papers also are used to address the residual administrative actions of policy paper issues, (e.g., approval of previously considered Federal Register Notices) and usually present specific items for Commission approval, such as an effective rule, denial or grant of a petition, or a statement of organization and functions of a newly created NRC office which includes a delegation of authority to the office director.

Format - Alternatives are generally presented, although it is occasionally appropriate not to do so. A recommendation is presented.

Note - a) Affirmation papers are acted upon by individual Commissioners through Affirmation Vote Sheets and these votes are affirmed in a subsequent Commission meeting which usually has little in the way of discussion.

If unanimous approval is not attained and a meeting is required to resolve differences, it becomes a policy paper, for all intents and purposes.

b) See Exhibit 4.

3. Notation Vote Papers

Purpose - To address matters which do not require a Commission decision at a meeting, but which nevertheless require Commissioner concurrence and/or comment. A typical example is a proposed rule.

Format - Alternatives are generally not presented, although it is occasionally appropriate to do so. A recommendation is presented.

Note - a) The Discussion section should include sufficient information for the Commission to understand clearly and easily what is before them for comment and/or concurrence.

b) Notation Vote papers are acted upon by individual Commissioners through Notation Vote Sheets which are distributed with the paper. Final decision does not involve affirmation, at an open meeting, so decisions are reached by the Commission more quickly.

c) See Exhibit 5.

4. Negative Consent Papers

Purpose - To address issues which the Commission would like brought to its attention before action is taken, but which do not require the formality of a Commission vote. Commission assent is presumed from the lack of action to preclude the recommendation from being implemented, i.e., negative consent. A typical example is a review of a staff position on an Emergency Operations Facility at a nuclear power plant.

Format - No alternatives but a recommendation is present.

- Note - a) The Discussion section should include sufficient information for the Commission to understand clearly and easily what is before them for comment.
- b) The Commission is granted a 10-day time frame in which to act. Subject to Commissioner contrary views and receipt of a subsequent Staff Requirements Memo from SECY, the staff recommendation is accepted.
- c) See Exhibit 6.

5. Information Papers

Purpose - To forward to the Commission information on significant matters. No Commission action is requested or required.

Format - No recommendation contained.

- Note - a) Information papers should only be used when the information is of greater length or of greater urgency than inserts in the Weekly Information Report satisfy.
- b) Condense the information in "executive summary" fashion, and the introductory paragraph should show why the item should be of interest to the Commission.
- c) Information papers will not be used to obtain Commission approval or negative consent. If Commission approval is requested, it must be obtained through an appropriate Notation Vote or Negative Consent paper.
- d) See Exhibit 7.

B. Release of SECY Papers to the PDR

1. If it is anticipated prior to submission of a Commission paper to the EDO that release to the PDR is advisable, note in the Recommendation section of the paper that staff recommends the paper be placed in the PDR.
2. If, after a paper is published, the staff desires to release the paper for some reason other than an FOIA request, the first contact should be to the EDO who will advise whether SECY should be requested to survey the Commission and request release.
3. If a paper is discussed in an open meeting, it is automatically placed in the PDR.

C. Format Requirements

1. Text

If the text of the paper or memorandum is more than five typed pages, single spaced, the paper should contain a concise summary which sets forth the major issues (e.g., technical, policy, legal), the recommendation of the office sending the paper, and reference to any dissenting views and personnel and financial resource requirements.

If the subject of the paper has had a prior history before the Commission, the references (staff paper numbers, meeting dates, memoranda, etc., and Commission actions on them) should be provided in a preliminary background paragraph.

If the paper (or more usually the enclosures) recommends revised text in something the Commission has been asked previously to approve, then the additions and the deletions to that text should be clearly identified.

These requirements apply to any paper or memorandum sent for Commission approval of a policy or significant course of action.

2. Resource Estimates

A Commission Paper which has resource impacts (funding and/or man-power) on the NRC must so indicate. Resource estimates can be presented together with the pro/con discussion of each alternative (see Exhibit 8) or discussed in a separate paragraph. However, the estimates must be summarized separately as in Exhibit 8. The summary must include all NRC resources (not just those of the requesting office) and must specify possible sources of resources (such as reprogramming) to implement any new initiatives.

If no resource impact is expected, the Discussion section should state that the action involves no new resource requirements. (See Exhibit 1.)

The Commission Papers recommending program changes that have resource impacts generally fall into the following categories.

While the requesting offices have the primary responsibility to determine which category a paper falls under, the EDO may change the category based on his own review and OEDO staff recommendation.

a. Category 1 Estimates

Those which have little resource impact and/or which seek preliminary Commission guidance - most papers in this category require resources within the requesting office's availability. The originating office will prepare a preliminary resource estimate for each alternative presented in the paper. After the Commission reviews the paper and has reached a decision on the alternative, the originating office may be required to prepare a detailed resource estimate for the selected (preferred) alternative to allow the Commission to make a final decision.

b. Category 2 Estimates

Those which have significant resource implications and/or are being proposed to the Commission for final decision - usually these papers propose courses of action that require resources beyond the requesting office's availability. These papers are required to contain fully developed and detailed best estimates when they are submitted to the EDO. There they will undergo OEDO staff review before being forwarded to the Commission. Important resource considerations during such review would include overall NRC availability, Congressional reprogramming thresholds, and the need to pursue budget supplementals or amendments.

3. Regulatory Analysis Guidelines

The Executive Director for Operations announced the adoption of new Regulatory Analysis Guidelines in a memorandum to Office Directors and Regional Administrators, dated December 13, 1982. The revised guidelines replace the Commission's guidelines for preparing value impact analyses (SECY-77-388A, December 19, 1977). A regulatory analysis must accompany each rulemaking action submitted for review by the Committee to Review Generic Requirements and by the Deputy Executive Director for Regional Operations and Generic Requirements, or for decision by the Executive Director for Operations or the Commission. For detailed information concerning the preparation and content of a regulatory analysis, refer to the Regulatory Analysis Guidelines presented as an attachment to the December 13, 1982 memorandum (NUREG-BR-0058).

4. Sunshine Act

All papers which have a potential of appearing as an item on the Commission meeting agenda must, in order for "Sunshine Act" procedures to be met, include a statement in the Scheduling block: "If scheduled on the Commission agenda, recommend this paper be considered at a [closed] [open] meeting." [See also IV.E.]

5. Scheduling

This block should be filled out for every paper requiring Commission action.

- a. If there is a circumstance which requires or makes it advisable that Commission action be completed by a certain date, the date and an explanation should be stated, e.g.:

"Commission action is requested by January 31 in order to leave 60 days for comment, 60 days for revision and ACRS review, and 30 days for final Commission approval. This will allow the rule to be in place by July 1 to meet the conditions of the Commission Order of June 1980."

** or **

"Commission action is requested by June 15. The Department of State advises us they intend to act by June 16 with or without NRC input."

** or **

"While no specific circumstances require Commission action by a particular date, the Commission should be aware that this action is on the critical path to any further direction to licensees on installation of water level indicators in B&W reactors."

- b. If there are no such circumstances, the entry should read:

"No specific circumstance is known to staff which would require Commission action by any particular date in the near term."

6. Federal Register Notices and Congressional Letters

A Federal Register Notice and letters to Congressional Committees are prepared as attachments to a SECY paper dealing with rule-making. The Federal Register Notice is prepared for signature by the Secretary of the Commission. The NRC Regulations Handbook, NUREG/BR-0053 and 0055, August 1982, prepared by the Office of Administration, provides guidance in the drafting and preparation of various types of Federal Register Notices. The Handbook discusses content and format requirements applicable to the various types of Federal Register Notices. The Handbook also sets out sample documents that illustrate proper compliance with these requirements. Sample documents include an Advance Notice of Proposed Rulemaking, a Proposed Rule, a Final Rule, and a response to a petition for rulemaking.

For copies of the Handbook and assistance in preparing a Federal Register Notice, contact the Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration (492-7086). Compliance with the requirements applicable to a Federal Register Notice will reduce delay as documents are processed for publication by the Office of the Federal Register.

Letters to Congressional Committees are prepared for the signature of the Office Director that originated the action. See Exhibit 9 for a sample letter to appropriate Congressional Committees from an Office Director informing them of a rulemaking action.

Note that requirements concerning the preparation of a Federal Register Notice and letters to Congressional Committees are applicable to rulemaking actions prepared for the EDO's signature under the March 19, 1982 delegation of authority to the EDO (see Chapter I).

7. Paperwork Reduction Act

Each rulemaking paper which contains an application, recordkeeping or reporting requirement must contain a statement concerning paperwork reduction requirements.

For detailed requirements concerning the Paperwork Reduction Act, see the EDO's April 24, 1981 Memo to Office Directors regarding Implementation of the Paperwork Reduction Act, NUREG/BR-0053 and 0055, August 1982.

Further information on procedures related to the Act will be published in NRC Manual Chapter 0230 "Federal Reports Management."

8. Regulatory Flexibility Act

Each rulemaking paper must contain a statement concerning the requirements of the Regulatory Flexibility Act as follows:

Note that, in accordance with the Regulatory Flexibility Act, an initial regulatory flexibility analysis has been prepared which is summarized in Appendix A to the notice and which will be made available to the public for comment.

Note that, a copy of analysis will be sent to the Chief Counsel for Advocacy of the SBA.

OR

Certify that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b). [Present a succinct statement indicating the basis for this conclusion.]

Note that the Chief Counsel for Advocacy of the Small Business Administration will be informed of the certification and the reasons for it as required by the Regulatory Flexibility Act.

For detailed instructions concerning the implementation of the Regulatory Flexibility Act, refer to NUREG/BR-0053 and 0055, August 1982, NRC Regulations Handbook or the guidance document, prepared by the Division of Rules and Records, Office of Administration.

D. Miscellaneous

1. Style - Be concise and clear.

2. Stationery

See Exhibit 10.

3. Coordination, Routing and Dispatch

- a) All Commission papers should be prepared for the signature of the Executive Director for Operations. The concurrence copy of the paper should have the initials of the Office Director responsible for the paper, or those of a person acting for the Office Director. These initials will indicate that the Office Director supports the paper. The concurrence blocks for other organizational entities should also be included. Either the handwritten initials of the concurring official or the typed name and date of concurrence should be included. The AO/EDO determines if a SECY paper needs to be reviewed by the Office of General Counsel (OGC) or the Office of Policy Evaluation (OPE) on legal and policy issues. The AO/EDO will work with the originating offices to incorporate OGC and OPE comments on the paper.

Significant staff disagreements should be summarized in the Discussion section of the paper. ELD or OGC may select "no objection" to indicate that the paper is acceptable with regard to legal issues.

Offices preparing papers should set a time limit for allowing their subordinate managers to resolve concurrence difficulties with managers of other offices. This limit generally should not exceed one week. If, after this time, a concurrence has not been received by subordinate staffs, Office Directors and Regional Administrators involved should attempt to resolve it. If this does not succeed, the problem should be referred to the EDO for a decision, promptly.

- b) Commission papers should be forwarded to the EDO with a covering memorandum which (1) emphasizes major issues which would be a value to the EDO in review prior to signature, and (2) summarizes concurrences/nonconcurrences.

4. Copy Requirements

- a) Since all SECY papers are signed by the EDO, the original and an official file copy of the SECY paper are forwarded to OEDO:ACB for review and signature by the EDO. The original, one copy, and one official file copy are required for Information Papers.
- b) If enclosures to a SECY paper are bulky, such as NUREG reports, eight (8) copies should be provided to EDO for distribution only to the Commissioners, SECY, OGC and OPE.

5. Distribution Sheet

- a) See Exhibit 11. This is prepared by the originating office to advise SECY as to how many copies of the paper they need to reproduce and to whom the copies should be sent. The distribution numbers listed are for guidance only and can be changed.
- b) Once the paper is approved and signed by the EDO, the OEDO:ACB dates it and sends to SECY for reproduction.

E. Memoranda to the Commissioners

Purpose - To respond to a question raised by the Commission, or to address a matter which requires limited distribution to the Commissioners.

Format - Memoranda to the Commission responding to specific requests for information from individual Commissioners normally are signed by the Executive Director for Operations. Care should be taken, however, that memoranda are not used as a substitute for commission papers. Direct memoranda to the Chairman or Commissioners from an Office Director are appropriate if the office is replying to a direct, verbal question. Such memoranda should have an EDO "thru" line and should be transmitted through him.

Note - Unless the matter is private, without exception, memos to any Commissioner should be copied to all Commissioners, SECY, OPE and OGC. (See Exhibit 12.)

STAFF PAPER SUMMARY

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: PROVIDE FULL SUBJECT/TITLE

Purpose: State the reason for presentation of this paper to the Commission (to inform, request decision, etc.).

Category:* This paper covers a major/minor policy question or routine matter requiring Commission consideration. State whether resource estimates are Category 1 or Category 2.**

Issue:*** Concise statement of the substantive issue. A sentence should suffice.

Decision Criteria:*** List the criteria which must be applied to each alternative in order to select the best decision.

Alternatives:*** List the alternatives one after the other so that they are visible at a glance. (No pros and cons or discussion.)

Summary: If the text of the paper is more than five typed pages, single spaced, the paper should include a concise summary which sets forth the major issues (e.g., technical, policy, legal), the recommendation of the office sending the paper and reference to any dissenting views and personnel and financial resource requirements.

Contact:
Name, Office
Telephone Number

*This block is not necessary in an Information, Negative Consent, Notation Vote or an Affirmation Paper. However, it is required for the latter two where recommendations imply new NRC resource requirements (or reprogramming of existing resources).

**Category 1 estimates are preliminary. Category 2 estimates are more detailed. (See Page III-6.)

***This block is not necessary in an Information, Negative Consent, Notation Vote, or Affirmation paper, although it may be used on items of importance.

Background:

All papers should contain a background paragraph with information to remind the reader of relevant past actions and explain why the paper is being presented. Staff paper numbers, meeting dates, memoranda, etc., and Commission actions on them should be referenced if the paper has had a prior history with the Commission

Discussion:

The discussion section should include a concise discussion/explanation which stands by itself, i.e., does not simply refer to an enclosure. Details should be included in an enclosure. Any resource implications and value/impact summary comments must be addressed, backed up by enclosures, if necessary. If there is no resource impact, state "This action involves no resource requirements."

In major policy papers, decisions should be followed by each alternative, listing for each the resource estimates and pros and cons which result from applying criteria to the problem (if extensive, this may be included in an enclosure). Following this, summary remarks on why a particular alternative is chosen and other relevant information may be added.

If the paper (or more usually the enclosures) recommends revised text in something the Commission has been asked previously to approve, the additions and the deletions to that text should be clearly identified (i.e., line-in, line-out).

Recommendation:*

State exactly what you recommend, i.e., do not make the reader refer to the text. Include notes - to fill out what the Commission should know is also going to take place as a result of recommendations; e.g., Note: Congressional Committees and licensees will be notified.

Scheduling:

Note deadlines to be met, if any. Indicate whether closed/open session is recommended. (If none of above is appropriate, omit entire line.)

[name]
Executive Director
for Operations

Enclosure(s):

- 1.
- 2.

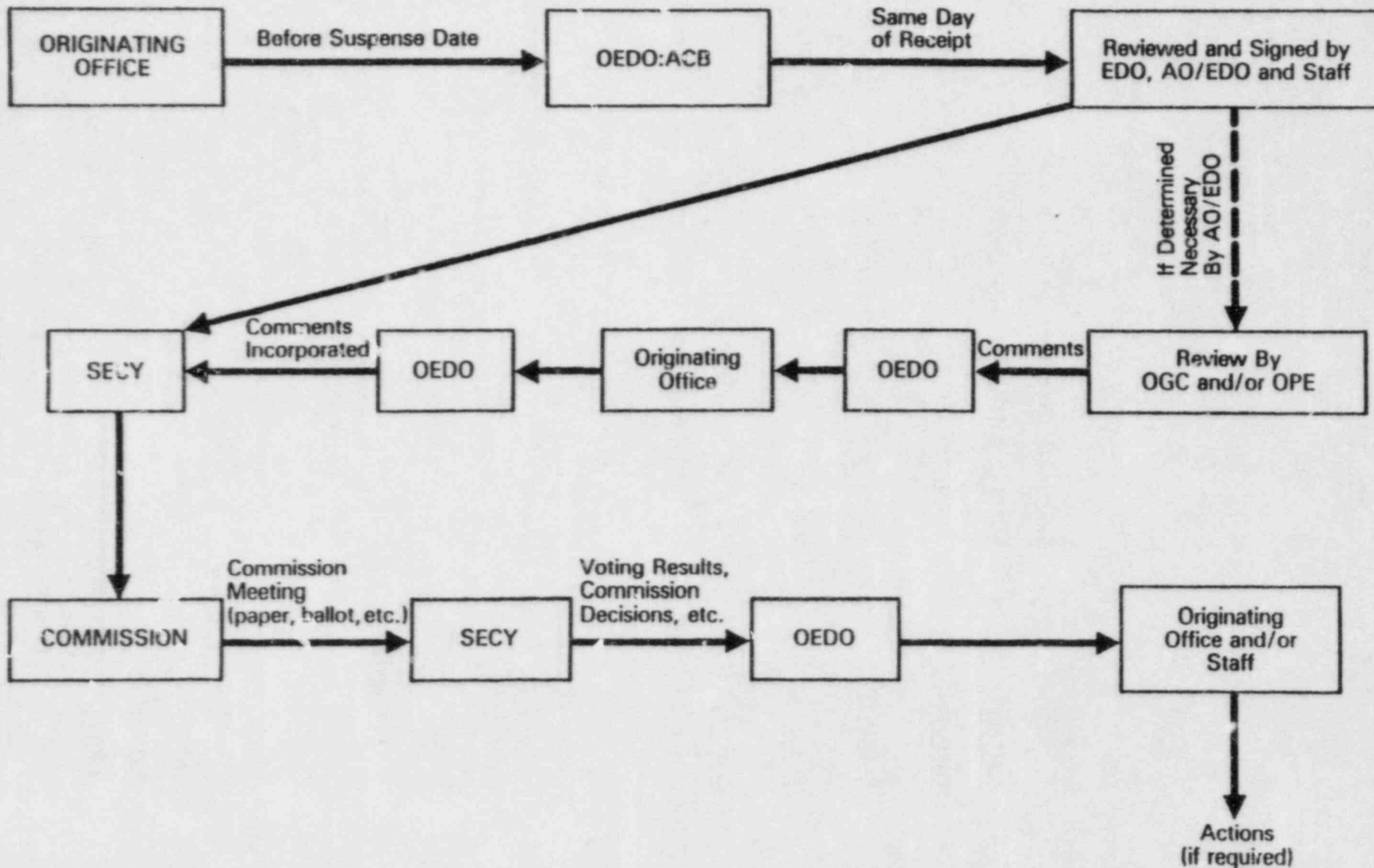
*This block is not necessary in an Information Paper.

TRACKING OF A SECY PAPER

10/01/84

III-17

EXHIBIT 2



(Sample Commission Meeting Paper)

*SEE NOTE BELOW

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: US/IAEA SAFEGUARDS AGREEMENT

Purpose: To obtain Commission action on the final draft US/IAEA Safeguards Agreement.

Category: This paper covers a major policy matter. Resource estimates, Category 1, preliminary.

Issue: Whether the final draft text of the US/IAEA Safeguards Agreement should be approved by the Commission.

Summary: This paper presents alternatives for Commission action regarding approval of the final draft text of the US/IAEA Safeguards Agreement. Since August 1975, NRC manpower assignment has been at a very low level but has included meetings with AIF and the establishment of an NRC working group. Staff recommends that the Commission approve the draft and direct staff to proceed, permitting the draft agreement to go forward to the IAEA Board of Governors. The recommended alternative will require 3 NRR staff full time and one representative from three other Federal agencies to donate 1-2 days per month on this activity, plus 6 NRC full time staff each year for the next 4 fiscal years.

Background: The progress of negotiations for the draft US/IAEA Safeguards Agreement, potential problem areas, and related NRC actions have been reported to the Commission in SECY-75-206 dated May 2, 1975; SECY 75-170 dated June 11, 1975; and SECY 75-411 dated August 1, 1975. In addition, Commission meetings were held on October 12 and December 15, 1975.

Contact:
[name], NMSS
492-7551

*NOTE: The original paper contains no resource estimates in the text. Thus it was necessary to provide some fictitious estimates for illustrative purposes. In addition, the text has been modified.

Decision
Criteria:

1. Does the alternative provide for a solution compatible with US domestic and international interests.
2. Will Commission actions in the future be unnecessarily constrained?
3. Will relationships with IAEA be affected?

Alternatives:

- a. The Commission may approve the provisions of the draft US/IAEA Safeguards Agreement and direct the staff to proceed with working out the details of implementation on a routine or expedited basis, making such staff assignments as required to meet an assigned target date.
- b. The Commission may defer approval of the provisions of the draft US/IAEA Safeguards Agreement and direct the staff to provide details of the impact of its implementation on the NRC and the industry.
- c. The Commission may defer approval of the provisions of the draft US/IAEA Safeguards Agreement as written until decisions are reached on industry classification and clearance programs.

Discussion:

Since 1972 the Department of State, with advice and assistance from AEC (NRC/ERDA) and ACDA, has engaged in formal negotiations with the IAEA to prepare an agreement for implementing the 1968 Presidential offer to place nuclear activities in the US under IAEA safeguards.

NRC now has a final draft text of the Agreement which the Department of State and the US Mission in Vienna are eager to present to the IAEA Board of Governors for consideration as soon as possible, preferably at their September 1976 meeting. Prior to doing so, however, it is necessary that the text of the draft Agreement be reviewed and concurred in by the other interested US Agencies (NRC, ERDA, and ACDA). A copy of the final text of the draft Agreement is enclosed for review at Enclosure 1.

Since the last submission of information on this subject to the Commission in August 1975, NRC actions in regard to the Agreement have proceeded but at a very low level of manpower assignment because of the immediacy of other programmatic requirements. Actions have included:

- a. A meeting with the Safeguards Policy Committee of the Atomic Industrial Forum to discuss the provisions of the Agreement and its expected effects on the US industry. Subsequently, a letter was received from the Chairman of the AIF's Safeguards Policy Committee expressing appreciation for the meeting and stating the acceptability of the Agreement provisions to Committee members. A copy of the letter is at Enclosure 2.
- b. An NRC working group has been established to develop and document a clear exposition of the internal assignment of responsibilities for the many tasks required to assure smooth implementation of the Agreement. The group is made up of representatives of ELD, IP, SP, IE, NRR, and is chaired by NMSS (Powers). The group has identified a number of action items required to implement the Agreement. A tentative schedule for completing the required actions has also been prepared. Copies of these items are at Enclosure 3.

After approval of the Agreement by the IAEA Board, a great deal of NRC activity will be required, necessitating a higher management assignment of priority and a larger commitment to manpower resources. The Agreement will not come into effect until the United States informs the IAEA that it is ready for implementation. As pointed out by the schedule at Enclosure 3, some of the implementing actions may require over a year to accomplish depending on the amount of resources applied to them.

The alternative approaches to this issue are evaluated as follows:

Alt. 1: The Commission may approve the provisions of the draft US/IAEA Safeguards Agreement and direct the staff to proceed with working out the details of implementation on a routine or expedited basis, making such staff assignments as required to meet an assigned target date.

PRO: a. Permits the draft Agreement to go forward to the Board of Governors at an early date when all required US approvals have been given; and,

- b. demonstrates Commission confidence that the details of implementing the Agreement can be resolved satisfactorily.

CON: This alternative would commit the Commission to the provisions of the Agreement:

- a. In the absence of firm estimates of the impacts and costs of implementation on the NRC and the industry; and,
- b. without certainty concerning the possible effect that pending decisions on classification and material access clearance programs will have on the manner in which the Agreement is implemented.

RESOURCE ESTIMATE:

Current program -- Three NRC staff employed full time and one representative from three other Federal agencies donate 1-2 days per month on Agreement-related activities.

Preparation of value-impact analysis for implementing the Agreement will require 6 staff months (2 staff members full time for 3 months). Costs to NRC and industry of implementing the Agreement cannot be calculated with confidence pending final determination of numbers and types of facilities to be placed under IAEA safeguards control. However, our rough estimate is 6 NRC full time staff members (3 in addition to current program) will be required each year for the next 4 fiscal years.

Alt. 2: The Commission may defer approval of the provisions of the draft US/IAEA Safeguards Agreement and direct the staff to provide details of the impact of its implementation on the NRC and the industry.

PRO: Removes the uncertainties associated with Alternative 1.

CON: a. Delays presentation of the draft Agreement to the IAEA Board of Governors.

b. May not be practicable since implementation details in subsidiary agreements are normally not determined until after the Agreement is approved by the IAEA Board of Governors.

RESOURCE ESTIMATE:

Same as for Alt. 1 for current program and value-impact analysis. However, implementation costs could exceed those of Alt. 1 if a crash effort and reprogramming is required. A rough estimate is that 8 NRC full time staff would be required for the next two fiscal years and four the third fiscal year.

Alt. 3

The Commission may defer approval of the provisions of the draft US/IAEA Safeguards Agreement as written until decisions are reached on industry classification and clearance programs.

PRO: Assures that Agreement commitments are not made until the impacts of possible industry classification and clearance programs are fully known.

CON a. Brings US/IAEA Agreement considerations to a dead stop.

b. Will be viewed as an act of bad faith by other affected Agencies, the IAEA, and other IAEA Member States.

RESOURCE ESTIMATES:

Current program continues (3 full time NRC staff).

Recommendation: That the Commission:

1. Approve Alternative 1: Approve the provisions of the draft US/IAEA Safeguards Agreement and direct the staff to proceed with working out the details of implementation on a routine or expedited basis, making such staff assignments as required to meet an assigned target date.
2. Note:
 - a. that the appropriate Congressional Committees will be informed; and,
 - b. that an Environmental Impact Statement need not be prepared on subsequent associated rulemaking action since the actions to be taken are essentially procedural in nature and will not have significant environmental impact.

Scheduling:

This paper should be scheduled at an open session. No specific circumstance is known to staff which would require Commission action by any particular date in the near term.

[name]
Executive Director
for Operations

Enclosures:

1. Final Text of Draft Agreement
2. AIF Letter
3. Tentative Schedule

(Sample Affirmation Paper)

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: 10 CFR PART 50--GENERAL REVISION OF APPENDICES G AND H,
FRACTURE TOUGHNESS AND REACTOR VESSEL MATERIAL SURVEILLANCE
REQUIREMENTS

Purpose: Obtain Commission approval of a notice of final
rulemaking.

Issue: Modification of NRC regulations involving the
requirements for fracture toughness of the reactor
coolant pressure boundary, including surveillance of
neutron radiation embrittlement of the reactor vessel
beltline materials.

Background: On November 14, 1980 the Commission approved and issued
for public comment the proposed rulemaking on this
issue. Meetings were held with the ACRS Subcommittee on
Surveillance Requirements and the full Committee to
exchange views on issues relating hereto. A copy of a
working draft was sent to you for information on May 16,
1981. This working draft included staff responses to
the ACRS letter of February 20, 1981.

Discussion: Appendix G. "Fracture Toughness Requirements," and
Appendix H, "Reactor Vessel Material Surveillance
Program Requirements," have undergone only limited
revision in over nine years of use. In this general
revision, the requirements of Appendices G and H have
been updated to be more consistent with current
technology and pertinent National Standards. Some of
the amendments are intended to clarify the applicability
of these requirements to older plants; that is, those
built to ASME Codes earlier than the Summer 1972 Addenda
to the 1971 Edition, which often requires consideration

Contact:
[name], RES
443-5903

of proposed alternatives to specific requirements. The amendments specify when acceptance of a proposed alternative must take the form of an exemption granted amendments modify requirements that have proved to be unduly conservative. A number of other amendments by the Commission and when acceptance may be granted by the Director of Nuclear Reactor Regulation as being equivalent to the NRC requirements.

Thirteen replies to the November 14, 1980 notice of proposed rulemaking on this issue were received from utilities and vendors concerned with the application of specific requirements. An analysis of the comments received and the staff response is given in Enclosure 4, and a summary is given in the Supplementary Information section of Enclosure 1.

Recommendation:

That the Commission:

1. Approve publication of the amendments to Appendices G and H to 10 CFR Part 50 (Enclosure 1) as a final rule.
2. Note the staff conclusions set forth in Enclosure 3, which provides the analysis called for by the Periodic and Systematic Review established by Task IV.G.2 of the TMI Action Plan.
3. Certify that this rule will not have a significant economic impact on a substantial number of small entities, in order to satisfy requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b).
4. Note:
 - a. That the amendments to 10 CFR Part 50 will be published in the Federal Register, and will become effective 60 days after publication.
 - b. No environmental impact statement, negative declaration, or environmental impact appraisal need be prepared in connection with the amendments because the action taken by the amendments will not significantly affect the quality of the human environment.
 - c. The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget, OMB approval No. 3150-0011.

- d. The Office of Public Affairs concurs that a public announcement is not needed.
- e. The NRC staff will inform the Subcommittee on Energy and the Environment of the House Committee on Interior and Insular Affairs, the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce, the Subcommittee on Environment, Energy and Natural Resources of the House Committee on Government Operations, and the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works of this action by letter such as Enclosure 5.
- f. The Federal Register notice of rulemaking will be distributed by ADM to power reactor licensees/permit holders, applicants for a construction permit for a power reactor, public interest groups, and nuclear steam system suppliers.
- g. The Chief Counsel for Advocacy of the Small Business Administration will be informed by DRR of the certification regarding economic impact on small entities together with the reason for it.

Scheduling:

If scheduled on the Commission agenda, recommend this paper be considered at an open meeting. No specific circumstance is known to staff which would require Commission action by any particular date in the near term.

[name]
Executive Director
for Operations

Enclosures:

1. Federal Register Notice
2. Regulatory Analysis Statement
3. Analysis with respect to the periodic and systematic review of regulations
4. Analysis of public comments and staff response
5. Draft Congressional Letter

(Sample Notation Vote Paper)

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: PROPOSED REVISION OF 10 CFR PART 35 "HUMAN USE OF BYPRODUCT MATERIAL"

Purpose: To obtain Commission approval of a notice of proposed rulemaking.

Category: This paper covers a significant policy on licensing of byproduct materials.

Issue: Simplification of the regulations for licensing of human use of byproduct material.

Background: By memorandum dated January 7, 1982, the Commission issued its FY 1983-87 Policy and Planning Guidance (PPG). The key guidance elements were the Commission's intent that (1) regulations reflect the reality of nuclear technology, (2) the regulatory process, particularly the licensing program, be efficient and cost effective, and (3) regulatory decisions be reached without unwarranted delay.

Discussion: The staff is proposing a major revision to 10 CFR Part 35, Human Use of Byproduct Material. It includes procedures for streamlining the material licensing process and combines the general and specific medical licenses.

The NRC issues licenses to medical facilities and individual physicians for the use of radioactive materials in medical diagnosis and treatment of humans. During the past three decades, nuclear medicine has grown annually at a rate of about 15 percent. There are currently 2,631 NRC medical licensees. In 1981, NRC staff received 73 applications for new licenses, 244 renewal applications, and 2,303 amendment applications for a total of 1,620 requested licensing actions.

Contact:
[name], NMSS
427-4052

Key features of the proposed rule change designed to meet these objectives include:

- ° Consolidation of those requirements for nuclear medicine that are not dispersed throughout existing regulations, branch policy positions, standard conditions of licenses and guidance protocols into a concise and coherent set of regulations.
- ° Reduction in the amount of information that must be submitted with a license application by focusing on information essential for safety and eliminating nonessential information.

Substantial savings may be realized by NRC medical licensees as described in the Value/Impact Statement (Enclosure 3). Total savings for licensees resulting from all of the proposed changes in licensing could be \$8,492,700 to as much as \$11,906,500 per year.

The concepts embodied in the proposed rule have been reviewed at meetings with committees of the Society of Nuclear Medicine, the Health Physics Society, the American Association of Physicists in Medicine and informally with other professional groups such as the American College of Radiology and American College of Nuclear Physicians. Based on the verbal reaction of these groups there appears to be a broad basis of support in the medical community. The Advisory Committee on the Medical Uses of Isotopes endorses the proposed rule.

Recommendation:

That the Commission:

1. Approve a notice of proposed rulemaking (Enclosure I) that would consolidate all human use requirements for the new medical standard license into 10 CFR Part 35.
2. Certify that this rule, if promulgated, will not have a negative economic impact on small entities since it is expected that the rule will result in substantial cost savings to licensees. This certification is necessary to satisfy the requirements for the new medical standard license into 10 CFR Part 35.

3. Note:

- a. The rulemaking would be published in the Federal Register for a 60-day public comment period;
- b. The staff conclusions, set forth in Enclosure 2, provide the analysis called for by the Periodic and Systematic Review of Regulations;
- c. Neither an environmental impact statement nor a negative declaration need be made in connection with this rulemaking because it is nonsubstantive and insignificant from the standpoint of environmental impact. (Enclosure 3);
- d. The Chief Counsel for Advocacy of the Small Business Administration will be informed of the certification regarding economic impact on small entities and the reasons for it is required by the Regulatory Flexibility Act;
- e. The proposed rule contains information collection requirements that are subject to review by OMB. Upon Commission affirmation, formal request for OMB review and clearance will be initiated;
- f. The Agreement States have requested that a representative designated by them be allowed to present their views on this proposal to the Commissions when the Commission meets to consider the proposal;
- g. A public announcement (Enclosure 4) will be issued when the proposed rule is filed with the Office of the Federal Register;
- h. The appropriate Congressional Committees will be informed (Enclosure 5); and
- i. Copies of the Federal Register notice of proposed rulemaking will be distributed to all Commission licensees. The notice will be sent to other interested parties upon request.

Scheduling:

If scheduled on the Commission agenda, recommend this paper be considered at an open meeting. No specific circumstance is known to staff which would require Commission action by any particular date in the near term.

[name]
Executive Director
for Operations

Enclosures:

1. Federal Register Notice of Proposed Rulemaking
2. Periodic and Systematic Review
3. Value/Impact Analysis
4. Draft Public Announcement
5. Draft Congressional Letter

(Sample Negative Consent Paper)

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: PRIMARY EMERGENCY OPERATIONS FACILITY FOR THE PILGRIM
NUCLEAR POWER STATION

Purpose: To request the Commission to review the staff disapproval
of the primary Emergency Operations Facility (EOF) for the
Pilgrim Nuclear Power Station.

Discussion: A BECo April 15, 1983 submittal (Enclosure 1) states
that the primary EOF for the PNPS consists of five
mobile trailers permanently installed as integrated
units. This EOF is located approximately one quarter of
a mile from the reactor containment and has a protection
factor of approximately 1.0. As confirmed in the BECo
letter of December 6, 1982 (Enclosure 2), the
ventilation system is not equipped with HEPA filters.
BECo further states that this primary EOF meets the
requirements of General Design Criterion 19 for a design
basis/loss of coolant accident. According to the BECo
letter of June 1, 1981 (Enclosure 3), the total 30 day
doses to occupants of the EOF are approximately 3.1 rem
whole-body and 5.6 rem to the thyroid. This analysis is
based on the assumption that the release is from the
PNPS 335 ft stack and that the radioactive plume will
not reach ground level at the EOF. In the event the
primary EOF becomes uninhabitable, a backup EOF has been
established in the Massachusetts Civil Defense Agency
Area II Headquarters which is approximately 20 miles
from the PNPS site in Bridgewater.

The trailers for the construction of the primary EOF
were moved onsite in June 1980 and construction was
completed in March of 1981.

Contact:
[name], IE
492-4426

It is the staff's position that the PNPS primary EOF is unacceptable from the standpoint of radiological habitability. The BECo assumptions used to determine that the EOF meets GDC-19 are dependent upon all releases being elevated by the plant stack and the assumption that this elevated radioactive plume will not reach ground level at the EOF. The use of certain meteorological conditions cannot be depended upon as a protective device unless extensive plume trajectory and site analysis studies establish that the assumed conditions will always be present. In our view a more realistic evaluation of possible plant release pathways and plume trajectories under adverse meteorological conditions would show that the EOF would not meet GDC-19 and the EOF personnel could receive radiation doses in excess of the levels set forth therein.

Recommendations:

That the Commission:

1. Disapprove the habitability of the primary EOF at PNPS and require the licensee to change his EOF concept to meet the Commission's guidance.
2. Note that the staff intends to inform BECo that it does not accept the primary EOF at PNPS because it does not meet the Commission's guidance on habitability and to request pursuant to 10 CFR 50.54(f) that BECo provide its plans for establishing an EOF which meets the Commission's guidance. A proposed draft of the letter to be sent to BECo is enclosed (Enclosure 4). The staff intends to send this letter within 10 working days of the date of this paper unless otherwise instructed by the Commission.

[name]
Executive Director
for operations

Enclosures:

1. Ltr from BECo dtd 4/15/83
2. Ltr from BECo dtd 12/6/83
3. Ltr from BECo dtd 6/1/83
4. Draft ltr to BECo

(Sample Information Paper)

For: The Commissioners

From: [name]
Executive Director for Operations

Subject: RESULTS OF OPERATOR LICENSING EXAMINATIONS

Purpose: To inform the Commissioners of historical and current rates of license issuance and examination failures for Reactor Operators and Senior Reactor Operators.

Discussion: The enclosed tables report licensing action results, such as license issuances, denials or withdrawals and pass/fail rates (percentages in parentheses) for each NRC licensing examination component. These results are reported for two periods: fourth quarter FY 1982 (Table 1) and for all of FY 1982 (Table 2).

The total number of licensing actions processed in the fourth quarter was slightly less than for the third quarter FY 1982, (SECY 82-460). The pass/fail rate remained consistent during the overall period. Written examinations continue to contribute most to the failure rate.

The basic features of the computerized administrative system are now operational. The tasks of testing and entering the backlog of data are underway.

[name]
Executive Director
for Operations

Enclosures:
1. Table 1
2. Table 2

Contact:
[name], NRR
49-29595

SAMPLE SUMMARY OF ESTIMATED NRC RESOURCE IMPACTS ^{a/}

	<u>FY 79</u>	<u>FY 80</u>	<u>FY 81</u>
<u>Alternative 1</u>			
<u>(Recommended)</u>			
\$	5,000	5,000	10,000
People	3	4	6
<u>Alternative 2</u>			
\$	5,000	5,000	15,000
People	3	4	8
<u>Alternative 3</u>			
<u>(Current Program)</u>			
\$	5,000	5,000	5,000
People	3	3	3
<u>Alternative 4</u> ^{b/}			
<u>(NMSS Decision Unit 5250^{c/})</u>			
	-	-	5,000
			3

^{a/} ASSUMES that implementation of final Agreement starts in FY 81. These are all NMSS resources, no other Office's resources will be required.

^{b/} Resources from other NMSS program areas which could be reprogrammed if additional resources weren't provided by the Commission. Note that reprogrammable resources (Alt. 4) plus current program (Alt. 3) add to totals estimated for Alt. 1, the recommended alternative.

^{c/} Safeguards Regulatory Improvement.

(Sample letter to Congress forwarding Federal Register Notice)

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of a public announcement and a proposed amendment to Title 10 of the Code of Federal Regulations which is to be published in the Federal Register.

The Nuclear Regulatory Commission is proposing to amend its requirements for the Material Control and Accounting (MC&A) of Low Enriched Uranium (LEU) at fuel cycle facilities. These amendments will better reflect the low strategic significance of LEU by eliminating unnecessarily burdensome requirements and allow greater license flexibility when implementing the regulations by replacing prescriptive requirements with performance capability statements. Through this action a greater distinction will be drawn between MC&A requirements for LEU and those for the more significant strategic special nuclear material.

The Commission is issuing the proposed amendment for a sixty-day public comment period.

Sincerely,

[name], Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Public Announcement
2. Federal Register Notice

cc: Rep. Manuel Lujan

IDENTICAL LETTERS SENT TO THOSE ON ATTACHED LIST

The Honorable Alan Simpson, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Sen. Gary Hart

The Honorable Richard L. Ottinger, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Rep. Carlos Moorhead

For all papers, begin typing 16 lines from the top of the page. Stop typing 12 lines from bottom of page. One inch left and right margins or less if paper is lengthy.



Papers should be typed on plain bond paper. They will be reproduced by the Secretariat on preprinted staff paper stationery.

POLICY ISSUE
(Commission Meeting)



RULEMAKING ISSUE
(Affirmation)



POLICY ISSUE
(Notation Vote)



POLICY ISSUE
(NEGATIVE CONSENT)



POLICY ISSUE
(Information)

Sample SECY Paper Distribution Sheet

NRC Form 6 (10-82) NRCM 0040	RECOMMENDED DISTRIBUTION Office of the Secretary			U.S. NUCLEAR REGULATORY COMMISSION
ORIGINATING OFFICE <i>NRR</i>	CONTACT <i>Janet Smith</i>	EXTENSION <i>27010</i>		
TITLE OF PROPOSED PAPER <i>Licensing Schedule</i>				
PAPER TYPE				
MEETING	AFFIRMATION	<input checked="" type="checkbox"/> NOTATION	NEGATIVE CONSENT	INFORMATION
DISTRIBUTION (Check box for each recipient)				
NO. OF COPIES	RECIPIENT	NO. OF COPIES	RECIPIENT	
3	CHAIRMAN PALLADINO	2	ADMINISTRATION	
2	COMMISSIONER GILINSKY	3	RESOURCE MANAGEMENT	
2	COMMISSIONER ASSELSTINE	2	EXECUTIVE LEGAL DIRECTOR	
2	COMMISSIONER AHEARNE		EQUAL EMPLOYMENT OPPORTUNITY	
2	COMMISSIONER ROBERTS	2	STATE PROGRAMS	
1	CONGRESSIONAL AFFAIRS	2	INTERNATIONAL PROGRAMS	
1	PUBLIC AFFAIRS	10	NUCLEAR REACTOR REGULATION	
5	GENERAL COUNSEL		NUCLEAR MATERIAL SAFETY & SAFEGUARDS	
4	INSPECTOR & AUDITOR	4	NUCLEAR REGULATORY RESEARCH	
4	POLICY EVALUATION	10	ANALYSIS & EVALUATION OF OPERATIONAL DATA	
10	SECRETARY	2	SMALL & DISADVANTAGED BUSINESS UTILIZATION AND CIVIL RIGHTS	
	CODER		INSPECTION & ENFORCEMENT	
	DOCUMENT MANAGEMENT BR	10	REGIONAL OFFICES	
3	EXECUTIVE DIRECTOR FOR OPERATIONS		KING OF PRUSSIA	
1	DEPUTY DIRECTOR FOR OPERATIONS	1	ATLANTA	
1	DEPUTY DIRECTOR FOR REGIONAL OPERATIONS & GENERIC REG	1	CHICAGO	
16	ADVISORY COMMITTEE ON REACTOR SAFEGUARDS	1	DALLAS	
	ATOMIC SAFETY & LICENSING BOARD PANEL	1	SAN FRANCISCO	
	ATOMIC SAFETY & LICENSING APPEAL PANEL	1		
57	SUBTOTAL NUMBER OF COPIES	50	TOTAL NUMBER OF COPIES	107
REMARKS				
RETURN ORIGINAL TO:				
NAME <i>Janet Smith</i>	ORGANIZATION <i>NRR</i>			MAIL STOP <i>P-912</i>

10/01/84

III-38

EXHIBIT 11

(Sample Memorandum to the Commission)

MEMORANDUM FOR: Chairman Surname
Commissioner Surname
Commissioner Surname
Commissioner Surname
Commissioner Surname

FROM: [name]
Executive Director for Operations

SUBJECT: LICENSING SCHEDULE

Start body here, 3 SPACES after "SUBJECT."

The signature block is at page center at the end of the text. The contact appears on the first page regardless of the length of the memorandum.

The descriptive terms are in all Caps.

*[name]
Executive Director for Operations

Enclosures:
1. Schedule
2. Data Analysis

cc: SECY
OPE
OGC

**Contact:
[name], NRR
Telephone No.

*Signature block appears at end of memorandum.
**Contact goes on first page regardless of length of memorandum.

IV. COMMISSION MEETINGS

General

- A. Guidelines
- B. Types of Commission Meetings
 - 1. Briefings
 - 2. Decision Meetings
 - 3. Affirmation Sessions
- C. Scheduling
- D. Documents for Commission Meetings
- E. Staff Attendance
- F. Sunshine Act Voting Requirements
- G. Commission Votes
 - 1. Definition of Votes
 - 2. Basis for Determining Voting Results
 - 3. Recording of Commission Decisions

Exhibits

III. Commission Meetings

Only formal actions which have legal impact in relation to third parties, such as adoption of a rule, would legally require a Commission vote "en banc".

Actions such as submission of a designated study, approval of a budget request, or appointment of certain officials still require the lesser formality of Commission votes submitted without meeting although they do not have such legal impacts.

Immediately before each open Commission meeting, the SECY will place copies of SECY papers or other documents identified on the Commission schedule as the central issue for discussion on a table in the rear of the Commission meeting room for people attending the meeting. Papers dealing with issues which require discussion of non-releasable material will be considered in closed Commission session. (See "Sunshine Act Voting Requirements" under E of this section.) If a paper requires reference to information which is exempt from public disclosure, the exempt information must be furnished in a cross-referenced supplemental paper to assure proper protection of the material.

Unofficial transcripts of all open Commission meetings are kept in the Phillips and Willste Libraries for a period of six months and are available to the NRC staff. These transcripts are unedited and unreviewed, and should not be quoted without verification from SECY.

A. Guidelines

1. The Commission desires as a matter of general policy to change the emphasis of Commission meetings and reduce the number of information and status briefings; conversely a greater percentage of time will be spent on meetings which result in decisions and/or guidance to the staff for further action. It is anticipated that informational briefings will be gradually replaced with information papers and briefings to individual Commissioners if they so desire. Information briefings for individual Commissioners may (if they so desire) be noticed, held in the Commissioners' Conference Room, and may be transcribed at the individual Commissioner's request. Hopefully it will reduce the amount of time and effort now expended by the Commission and staff on information/status briefings. This change is not intended, however, to preclude the staff from recommending information briefings to the Commission where it believes that circumstances necessitate.
2. The presentation to the Commission should be based on the assumption that Commissioners have read the background paper(s) and are familiar with its contents.
3. Briefings should be prepared to cover approximately one half of the allotted time; the remainder should be reserved for questions and answers.
4. At the outset, briefers should clearly identify the focus of the briefing, should indicate whether there are any health or safety implications, and describe any potential new resource requirements (both personnel and financial).
5. Briefers should summarize background history. Only the important events should be emphasized.

6. Briefers are requested not to read slides and handouts verbatim and only to discuss the high points to which they wish to focus the Commission's attention.
7. Every effort should be made to complete the briefing within the allotted time.

B. Types of Commission Meetings

1. Briefings - Information is presented by staff for Commission discussion or to obtain Commission guidance. A Commissioner vote is not anticipated. (See Section A - Guidelines.) The briefings may or may not concern a pending staff paper.
2. Decision Meetings - Discussion with staff of policy issues or license applications which have been presented to the Commission for decision.
3. Affirmation Sessions - Short meetings required by law to ratify, in all Commissioners' presence, votes previously cast by paper ballot on Affirmation papers circulated. (Staff is not required to attend.)

C. Scheduling

Schedules of Commission meetings are reviewed and approved by the Commission at a weekly Agenda Planning Session chaired by the Chairman. Commissioners or their representatives and representatives from EDO, OGC, OPE, SECY, OCA and OPA normally attend and participate in the discussion of schedules for a six-week cycle - the current week and the five succeeding weeks. Commission meetings are generally scheduled to be held on Wednesdays and Thursdays, 10:00 a.m. to 12:00 noon, and 2:00 p.m. to 4:30 p.m. The next week's schedule and agenda items are published and distributed on Friday by SECY. Such information is also provided to the public through an automatic Telephone Answering Service (Number (202) 634-1498) which operates 24 hours a day.

D. Documents for Commission Meetings

1. Papers

- a. For Commission meetings at which a Commission paper is required, that paper must be to the Commission five (5) working days before the meeting (e.g., received cob Monday by SECY for a meeting Tuesday the next week). EDO should have at least three (3) working days for his review.

- b. When a meeting is requested because of unusual circumstances or in order to allow a Commission meeting to proceed which otherwise might be cancelled because the 5-working-day deadline has not been met, EDO may, on request, authorize an office to:
 - i) Submit a draft for early review by EDO, or brief him, in order to save the 3 days set aside for EDO review.

 - ii) Submit on the above schedule a document complete except for a minor portion to be submitted separately prior to the meeting.

2. Briefing Outline and Viewgraphs

- a. For Commission meetings at which a Commission paper is not required, a briefing outline must be submitted on the same schedule as outlined above. The detail should be sufficient to provide the Commission with the thrust and essential elements of what is to be discussed. See Exhibit 1.

- b. Viewgraphs, if utilized, must be provided to EDO two (2) working days before a scheduled Commission meeting (e.g., received cob Thursday for a meeting Tuesday the next week). For a Commission meeting open to the public, 50 copies should be provided; 25 copies for a closed meeting. Viewgraphs should have on each page a date, contact, Office and a telephone number. See Exhibit 2.
- c. All viewgraphs should be prepared by the originating office, using the IBM 10-pitch selectric typewriter or speechwriter. The materials needed and instructions are available from copy centers at Phillips, Willste, Nicholson Lane, and H Street buildings.

E. Staff Attendance

The "lead" office for a Commission briefing/discussion should notify other offices whose attendance they desire as early as possible after a session is scheduled.

Each Director's office will advise ACB:OEDO (x27585) of their office attendance by noon one working day before a scheduled Commission meeting. Attendance should be limited to those who may be expected to contribute to the discussion and their backup. If an office wishes to have someone present just to keep track of Commission discussion on an issue, such attendance must be limited to one person.

EDO will review attendance lists and will advise offices if attendance requires adjustment.

Please see that staff is advised of this procedure as it implies that attendance by individual staff is appropriate only with Office-level approval.

F. Sunshine Act Voting Requirements

Commission meetings are publicly announced at least one week in advance. Meetings are open to public attendance unless it is determined, by vote of three members of the Commission, that the meeting should be closed. If closed, the General Counsel is required to certify the justification for closing a meeting. In such cases, the SECY papers must indicate "closed session" under the scheduling block of the paper and the paper appropriately marked. See Exhibit 3 for the types of materials that are normally exempt from public disclosures, and the way for marking SECY papers on such issues. A recommendation for closing the meeting must be prepared in memo format to the Office of the Secretary. See Exhibit 4. A list of anticipated attendees, if known at the time, should be listed or included as an enclosure to the memo.

The Commission is also required to vote to hold meetings announced with less than seven (7) days public notice. Votes of three members are required. Briefings on Information Papers are generally scheduled for the individual Commissioner at his/her own request, with other Commissioners invited to attend. If a majority of the Commission attends the briefing, it will constitute a Commission meeting and be subject to Sunshine Act requirements.

G. Commission Votes

On each Affirmation or Notation Vote paper, the Commissioners may "Approve," "Disapprove," "Abstain," "Not Participate," or "Request Discussion." Commission vote sheets are distributed to staff by EDO for information. If action is required on a particular vote sheet it will be controlled by an EDO Control ticket. See Exhibit 5 for a sample vote sheet.

A quorum consists of "Approve" votes, "Disapprove" votes and those "Abstain" votes needed to establish a quorum. Action is taken only when a majority of Commissioners participating in the matter (the quorum) has approved, or disapproved the item. Abstaining Commissioners are recorded as "Not Participating."

1. Definition of Votes

a) Approved

This constitutes agreement with the recommendations contained in the applicable Commission paper.

b) Disapproved

This constitutes disagreement with the recommendations contained in the applicable Commission paper.

c) Request Discussion

Self-explanatory.

d) Abstain

This is a statement of not participating in making the decision on the applicable Commission paper. However, it indicates a willingness to participate for the purpose of establishing "a quorum required for Commission action," if needed. As such it will be counted for quorum purposes only. This vote is otherwise treated the same as a vote of not participating.

e. Not Participating

This is a statement of not participating in making the decision on the applicable Commission paper. As such, the vote will not be counted in either determining the action of the Commission or the presence of a quorum.

2. Basis for Determining Voting Results

The following rules are applied in determining the Commission voting results:

- a) a quorum is required to act.
- b) a quorum consists of those Commissioners participating (yes votes plus no votes plus the number of those voting to abstain which may be required to constitute a quorum).
- c) action is based on the majority of those participating (yes votes plus no votes plus the abstain votes used for quorum purposes).

When "No Action" results, the SECY paper will be returned to the originating office without action.

3. Recording of Commission Decisions

SECY records Commission decisions in the form of SECY memoranda or Commission Orders to staff which the staff receives two to three days after the meeting. These include a basic statement of Commission action on the recommendation(s) of a paper and an expression of individual Commissioners' views when appropriate. Requirements for additional action by the staff are also included with appropriate action dates. Short term actions will be tracked by EDO:ACB by EDO Control ticket and long-term actions in WITS. (See Chapter VII for discussion of WITS.)

(Sample Briefing Outline)

BRIEFING ON NRC
INSPECTION AND ENFORCEMENT STUDY ACTIVITIES

PURPOSE

The purpose of this briefing is to provide the NRC Commissioners with information on those near-term and long-term IE study activities directed toward determining how much and what type of inspection and enforcement activity is enough to properly support the NRC mission.

SCOPE

The briefing will present an overview of the coordinated study activities within IE, describing the current list of planned in-house and contractual activities, resource requirements, and related on-going efforts.

BRIEFING OUTLINE

- I. Introduction
- II. Purpose, Methodology and Approach
- III. Dimensions of the Study
- IV. Study Subsystems and Modules
 - A. Policy Studies
 - B. Studies of IE Techniques
 - C. Resource Allocation Methodology

HISTORY - GENERAL

- PROPOSED CLEARANCE RULE PUBLISHED FOR COMMENT (1977)
- COMMISSION ESTABLISHED HEARING BOARD (1978)
- BOARD RECOMMENDED (1979)/AND COMMISSION DIRECTED (1980)
 - DEVELOP AN ACCESS AUTHORIZATION RULE FOR
POWER REACTORS - INDUSTRY RUN PROGRAM
- SAFETY/SAFEGUARDS REVIEW COMMITTEE (1982/1983)
- GAO REPORT (1983)

- SEARCH AND VITAL AREA CONTROL ISSUES (1977-1983)

(Sample Viewgraph)

(Name, Office)
(Tele No.)

(Date)

10-01-84

IV-11

EXHIBIT 2

GUIDELINES FOR MARKING AND WITHHOLDING MATERIAL FROM PUBLIC DISCLOSURE

A. Material considered appropriate for withholding from public disclosure includes:

1. Information specifically authorized by Executive Order to be kept secret in the interest of national defense or foreign policy and in fact classified pursuant to an Executive Order (exemption 1 of the Freedom of Information Act). Such information includes, for example:
 - a. documents containing information concerning measures for the physical protection of significant quantities of strategic nuclear material;
 - b. documents containing information concerning measures for the physical protection of nuclear facilities (i.e., production or utilization facilities or any other facilities or activities) involving such material provided that the disclosure of such information may be reasonably expected to facilitate theft, diversion or sabotage; and
 - c. documents containing information concerning control and accounting procedures for significant quantities of strategic nuclear material, including but not limited to inventory discrepancy data generated under such procedures. This information shall remain classified for at least a period of six months after it is generated, or any longer period of active ongoing investigation. At the expiration of six months or the conclusion of a related investigation, whichever is later, such data may be declassified.
2. Material specifically exempted from disclosure by a Federal statute other than the FOIA, such as Restricted Data (exemption 3 of the FOIA).
3. Trade secrets and commercial or financial information obtained from a person and privileged or confidential (exemption 4 of the FOIA). Such information includes, for example:
 - a. documents furnished to the NRC and determined to be "proprietary" under 10 CFR 2.790(b);
 - b. other documents furnished to the NRC containing "company proprietary" information;

- c. documents which identify a licensee's (or applicant's) procedures for safeguarding licensed special nuclear material (plutonium, uranium-233, or uranium-235 enriched above 20%; and
 - d. documents which identify a licensee's (or applicant's) detailed security measures for the physical protection of a licensed facility or plant in which licensed special nuclear material is possessed or used.
- 4. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (exemption 6 of the FOIA).
 - 5. Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel (exemption 7 of the FOIA).

B. Markings of such information should be as follows:

- (1) Security classification markings made in accordance with NRC Appendix 2101, Part III.
- (2) Proprietary markings made in accordance with NRC Bulletin 2100-3 dated June 15, 1976.
- (3) With other markings specifying the basis for withholding from public disclosure (for example, "Exempt from disclosure under FOIA exemption ___ because"), the name and position title of the person authorizing such marking, and the date on which the marking was authorized.



(Sample Sunshine Act Memo Recommending Closed Meeting)

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

MEMORANDUM FOR: Samuel J. Chilk, Secretary of the Commission
FROM: William J. Dircks, Executive Director for Operations
SUBJECT: [Title of Paper]

It is recommended that the subject paper be scheduled for a closed meeting in accordance with the following Sunshine Act exemption(s):

[List number of exemption(s).]

[Statement describing how specific exemption(s) apply to the subject item.]

[Statement as to why public interest would be furthered by a closed meeting.]

[List attendees, both NRC and external, if known.]

William J. Dircks
Executive Director
for Operations

(Sample Commissioner Vote Sheet)

cc: Dircks
Roe

NOTATION VOTE

RESPONSE SHEET

JShea, IP (copies
FYI provided
TRehm by EDO)

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: CHAIRMAN PALLADINO

SUBJECT: SECY-83-388 - PROPOSED EXPORT OF REPROCESSING INFORMATION
UNDER PART 810 TO WEST GERMANY

APPROVED ✓ DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

M. J. Palladino
SIGNATURE
9/26/83
DATE

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

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