



United States
Nuclear Regulatory Commission

NRC Field Policy Manual

Office of the Executive Director for Operations

November 1995

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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November 16, 1995

NOTE TO PUBLICATIONS: Please keep this memorandum attached to FPM change

MEMORANDUM TO: Distribution (IMX)

FROM:

James L. Milhoan *James L. Milhoan*
Deputy Executive Director
for Nuclear Reactor Regulation,
Regional Operations and Research

SUBJECT: FIELD POLICY MANUAL (FPM)

The attached NRC Field Policy Manual (NUREG/BR-0075) is being reissued in its entirety to incorporate changes and in preparation for putting the manual on the LAN. 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 manual.

Changes have been made to Field Policy Manual Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15 and 17, and are marked by change bars in the side margin. Any comments or suggestions pertaining to the FPM should be directed to the Chief, Regional Operations Staff, Office of the EDO. Future revisions, additions, or deletions will be made as appropriate.

Attachment:
Field Policy Manual

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 Management Directives 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 a margin bar 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.

Changes 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., 90-01, 90-02.

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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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.
2. Threats made toward NRC inspectors shall be promptly and directly brought to the attention of the FBI.
3. 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 Green Book for the upcoming fiscal year is published in early February of the present fiscal year. Because the resources in the Green Book are organized by program areas, NRR publishes, generally at the end of May/June of the present fiscal year, a more specific breakdown of FTE allocations by region. These data are used 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.
- 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 DEDR after all concurrences.

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 appropriate NRC official. (10 CFR §9.201)
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 Region-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 the testimony should be allowed. 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: November 1995

FIELD POLICY MANUAL

NO. 4 - BOARD NOTIFICATION

Policy

Beginning 30 days prior¹ to the start of a hearing, the NRC staff is under an obligation to keep Licensing Boards and the Commission apprised of significant new information in pending adjudicatory proceedings.

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.

Individual office procedures are available to provide more detail and should be consulted for further details.

¹The 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.

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. Regional offices should notify the DEDR in advance of any plans to invite an industry or utility representative to a regional counterpart meeting. While there may be circumstances where the attendance of a utility representative from within the host region is considered

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appropriate, their attendance is not encouraged in order to avoid perception of interference with internal NRC processes.

6. 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.

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

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 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.

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.
5. Resident Inspectors should not be assigned to a different location within the first three years after relocating unless waived by the resident or specifically directed by the Executive Director for Operations based on identified agency needs.

FIELD POLICY MANUAL

NO. 9 - NRC REVIEW OF INPO DOCUMENTS

Policy

INPO operating plant evaluation reports, performance indicators, assistance visit reports, training accreditation 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. INPO also manages and implements the accreditation of licensee training 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 an NRC issue.
2. Senior Resident Inspectors should promptly read site-specific INPO evaluation and accreditation 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 consistent with the NRC-INPO MOA. The fact that such a review has been conducted and whether additional regional follow-up is planned should be noted in the resident inspectors' monthly inspection report. However, do not address the results of the INPO evaluation in the inspection reports. Significant differences between INPO and NRC evaluations and INPO identified safety issues should be promptly brought to the DRP Branch Chief's attention. The DRP Branch 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.

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3. The DEDR will be notified by the Regional Administrator when NRC follow-up of INPO findings is necessary to ensure safety. Follow-up activities will be governed by Inspection Procedure 71707, "Operational Safety Verification".
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, or make copies for NRC internal distribution absent extraordinary circumstances, 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 DEUR.
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 September 17, 1993.
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 the appearance of a conflict of interest.

Guidance

Pursuant to Executive Order 12731, government-wide regulations (5 CFR Part 2635) set forth standards of conduct and restrictions on receipt of gifts and favors, outside employment, conflicting financial interests, the use of government property, future employment, the misuse of information, and indebtedness. NRC supplemental conduct regulations (5 CFR Part 5801) prescribe rules on outside employment and security ownership. Criminal conflict-of-interest statutes are found at 18 USC 201-209. Inspection Manual Chapter 1201 provides additional guidance on these regulations and on NRC policy for employees involved in the inspection program.

The following guidance complements and reinforces existing regulations and guidance:

1. NRC employees shall conduct themselves in a professional manner. Unprofessional behavior, both during and outside of working hours, can discredit both the individual and the NRC. Examples of areas where there have been problems involving employee conduct include unauthorized use of government equipment, inappropriate attire, sexual harassment, and conduct of outside business during government time (such as conducting real estate business). The NRC will not tolerate inappropriate regulatory actions by the NRC staff, nor will it tolerate retaliation or the threat of retaliation against those licensees who communicate concerns to the agency. NRC staff whose actions are found to be contrary to this policy could be subject to disciplinary actions in accordance with the NRC Management Directive 10.99, "Chapter 4171, Discipline, Adverse Actions and Separations," or in accordance with the Collective Bargaining Agreement Between the U.S. Nuclear Regulatory Commission and National Treasury Employees Union.
2. Employees shall not enter any licensee's protected area or other facility if they are experiencing any effects of alcohol consumption. Alcohol should not be consumed during working hours or within 5 hours preceding any scheduled working hours at licensee or other non-NRC facilities; this includes lunch or other times when return to work at a licensee or other non-NRC facility is expected after a short time.

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3. While at a licensee site or facility, employees must comply with any additional policies of the licensee (e.g., radiation protection, security, safety, and parking requirements). In some cases, possession of alcohol at an on-site parking lot, even if locked in the trunk of a car, would be a violation of a licensee's policy.
4. NRC employees shall conduct themselves in a manner that avoids even the appearance of a conflict of interest. Social relationships with licensee employees or contractors may also give the appearance of conflict of interest. Further, NRC employees are not to accept food, gifts, entertainment, favors, transportation or anything else that exceeds \$20.00 in value from any party that has interests in NRC activities; even if the value of the item is less than \$20.00, employees are encouraged to use appropriate discretion. When participating in a working level lunch, NRC participants should always pay their share; however, accepting coffee, a pastry, soft drinks, or other refreshments during a meeting does not demand payment.

Because it is impossible to provide guidance on every possible situation that may arise, each employee should exercise sound judgment in their activities both during and outside of working hours.

The Office of General Counsel (OGC), through its Deputy Ethics Counselors, provides advice, assistance, and counseling on matters covered by the Office of Government Ethics (OGE) regulations and other Federal ethics requirements. Employees should consult with their supervisor, Regional Counsel, or an OGC Deputy Ethics Counselor on any questions or problems.

Each office and region shall ensure that all employees are aware of their responsibilities under 5 CFR 2635 and 5801, 18 USC 201-209, and Inspection Manual Chapter 1201, as applicable, and this field policy manual.

Issue Date: November 1995

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 OSP 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.

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

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

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.

AEOD, NMSS and RES will coordinate and schedule visits to commercial reactor sites with the regional office through the NRR project manager. The region will review and evaluate the request with special emphasis on minimizing impact on licensee resources.

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 preventive 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.

FIELD POLICY MANUAL

NO. 14 - NRC INTERACTION WITH NEI

Policy

Meetings held between the Nuclear Energy Institute (NEI), formerly NUMARC, and NRC staffs should normally be public meetings.

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

Guidance

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

While the NRC encourages NEI to take the lead in addressing certain issues, it is expected that the NRC staff will convene technical coordination meetings with NEI during both the program development and program implementation phases for those NEI programs having an impact on our regulatory responsibilities. Such NRC-NEI meetings should be open to the public and conducted in a manner similar to NRC-licensee meetings, including pre-noticing pursuant to Management Directive 3.5 and the NRC policy statement on Staff Meetings Open to the Public, which was published in the Federal Register on September 20, 1994. If these meetings are convened for the purpose of developing a consensus between NEI (or other non-governmental parties) and the NRC staff, they are subject to the requirements of the Federal Advisory Committee Act (FACA). For information regarding the application of that Act, and methods of minimizing its impact, consult the Assistant General Counsel for Legal Counsel, Legislation and Special Projects, OGC, or the designated FACA attorney.

The NRC may find it necessary to conduct inspections in an area related to a specific NEI initiative (e.g., Performance Based Graded QA Inspections). In this event, NRC management shall issue a Temporary Instruction (TI) providing detailed guidance for NRC inspectors. In general, however, NRC inspections should focus on regulatory requirements and issues important to safety, regardless of their relationship to NEI's initiatives 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), for plants placed or retained on the problem plant list, removed from the problem plant list, or those plants sent a trending letter, most of the information generated for that particular SMM will be subject to disclosure. This information will be released in accordance with standard FOIA guidelines. For all other plants discussed at the SMM, all records will be withheld from disclosure.

Guidance

Specific guidelines to be applied 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 or have not been sent a trending letter, 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 developed 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, DECS. (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

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- (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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FIELD POLICY MANUAL

NO. 17 - PERIODIC PRESS BRIEFINGS

Policy

To increase public understanding of the NRC mission and programs, periodic media briefings will be conducted on regional and agency-wide issues/topics. The briefings will be in addition to those held on specific events or accidents in the Region.

Guidance

Regional Administrators are to initiate periodic (approximately 4 per year) media briefings on regional and agency-wide issues/topics which will be useful to the news media. The media briefing should be held at various locations in the region. The briefings are to provide the media, and other interested parties, with an overview of the agency's current activities. An effective technique to generate interest is to relate some of the activities to specific "local" sites; however, the briefings are not intended to be detailed plant specific critiques.

To assist Regional Administrators in the selection of suitable topics, a Media Briefing Guide is maintained by the office of the DEDR. A copy is also available on the LAN. This Briefing Guide provides an index of important issues/topics, a set of briefing papers with a background discussion of each topic, and a highlights sheet to use as desired during the actual press briefing. These papers are reviewed by the Office of Public Affairs. Each region may adapt this information to fit the circumstances at the briefings. The Media Briefing Guide will be updated or expanded as the need arises.

The Regions have considerable flexibility in implementing this policy. Regional Public Affairs Officers will be actively involved in this program, including notifying the affected media representatives, the public affairs offices of the affected utilities, if appropriate, and arranging for briefing locations.

FIELD POLICY MANUAL

NO. 18 - GUIDELINES FOR GRANTING EXCEPTIONS TO
THE N+1 POLICY FOR ASSIGNING RESIDENT INSPECTORS
TO MULTI-UNIT REACTOR SITES

Policy

Exceptions may be granted to the N+1 policy for assigning resident inspectors to multi-unit reactor sites. The Office of the Executive Director for Operations is responsible for assuring each deviation from N+1 is consistent with Commission policy (see references).

Guidance

A Regional Administrator, with Director, NRR, approval, has the authority to establish exceptions to the N+1 policy for multi-unit plant sites. The exception will be justified based primarily on site performance.

- The region is responsible for requesting approval from the Director, NRR, for proposed exceptions to the N+1 policy. The exception request will include the Region's basis for the request. A copy will be provided to the Chief, Regional Operations, OEDO.
- NRR is responsible for reviewing the exception request and for ensuring that the policy for approving exceptions is applied consistently for all regions.
- The Director, NRR, will notify the region, in writing, of NRR's decision. The region may implement the exception on receiving the Director's approval.
- The regions and NRR are responsible for monitoring exception site performance to assure exception justifications remain valid.

As an oversight function, OEDO will review exceptions granted after NRR's approval has been sent to the Region. This review is intended to assure exceptions conform to Commission guidance (SECY-92-354 and associated SRM) and are consistently applied. Concurrence from OEDO is not required to implement the exception.

- If the region's exception request is approved, NRR will forward an information copy of the memorandum granting approval to the Chief, Regional Operations, OEDO.
- The Chief, Regional Operations will have the package reviewed with emphasis on site performance and for consistency of application across regions.

References

1. SECY-92-354, "PROCESS FOR OBTAINING EXCEPTIONS TO THE N+1 POLICY," dated October 20, 1992.
2. Staff Requirements Memorandum, "SECY-92-354 - PROCESS FOR OBTAINING EXCEPTIONS TO THE N+1 POLICY," dated November 16, 1992.

FIELD POLICY MANUAL

NO. 19 - GUIDANCE FOR RECOMMENDING THIRD PARTY ASSISTANCE TO LICENSEES

Policy

On occasion licensees ask agency employees for recommendations for obtaining help solving programmatic problems. This can create problems inasmuch as agency employees are prohibited from recommending the services of one or more people or organizations for a project under NRC regulatory jurisdiction. Providing such a recommendation violates 5 C.F.R. 2635.702, which prohibits Federal employees from using public office for endorsement of any product, service, or enterprise. However, the agency also has an obligation to provide assistance where possible in helping individual licensees solve problems where the health and safety of the public is involved.

Guidance

The following guidance is provided to assist employees who receive requests for assistance from licensees. Specific procedures implementing this guidance should be available in each region, NRR, and NMSS. There are two cases presented. Case #1 is for use when a licensee has a programmatic problem. This case allows time for the licensee to conduct research in obtaining assistance. Case #2 is for use when an immediate health and safety problem exists.

Case 1: An NRC employee receives a request for third party assistance from a licensee.

1. The employee shall as soon as practical notify his or her management.
2. Following consultation with management, the staff member may refer the requestor to any of the following sources:
 - a. The current version of the Nuclear News Buyers Guide. If not otherwise available to the requestor, a copy of the Buyers Guide can be obtained by contacting the American Nuclear Society (Attn: Accounting Department), 555 N. Kensington Ave., La Grange Park, Illinois 60525.
 - b. A licensee that has solved a similar problem (consult with office/regional management prior to providing the name). When providing the name of a licensee who has solved a similar problem, take special care that a perception of conflict of interest is not created and that the licensee is not under an OI investigation for misconduct.
 - c. An appropriate professional society such as the American Society for Mechanical Engineers or the Health Physics Society.

- d. For materials or medical licenses, the staff member may recommend the following professional groups as a reference source: (This list is not exhaustive and others may be added after confirming that they are willing to assist in identifying third party sources of assistance.)

American Academy of Health Physics, Secretariat
8000 West Park Drive
McLean, Virginia 22102
Telephone: 703-790-1745

American Association of Physicists in Medicine
1 Physics Ellipse
College Park, Maryland
Telephone: 301-209-3100

Society of Nuclear Medicine/American College of Nuclear
Physicians
Government Relations
1101 Connecticut Avenue, NW
Washington, DC 20036
Telephone: 202-429-5120

American College of Medical Physicists
1891 Preston White Drive
Reston, Virginia 22091
Telephone: 703-648-8966

Note: Regions may want to keep a list of local chapters in their regions for referral purposes.

Case 2: An immediate health and safety issue exists and it is not practical to take the action detailed in Case #1.

1. Refer the licensee to an appropriate equipment manufacturer.
2. Consult with NRC management (NRR, NMSS, or regional office). Following management approval the employee may refer the licensee to one or more qualified consultants/contractors who can provide prompt safety assistance.¹ Special care should be taken in connection with providing recommendations concerning consultants with whom the recommending staff has a personal or long standing relationship.
3. Following the action, document the event and the justification for the action, and provide a copy to the EDO.

¹If the issue is so immediate that it would not be practical to consult with NRC management before referring the licensee to someone who could provide the necessary prompt safety assistance, the employee should make the referral first, and then inform NRC management and document the event and justification.

References

1. Letter from J. Taylor to Regional Administrators, NRR, and NMSS dated July 15, 1993, discussing "Recommending Third Party Assistance to Licensees."
2. SRM dated July 14, 1993, discussing "COMSECY-93-034 - Recommending Third Party Assistance to Licensees (OIG Report 91-72A)."