

UNITED STATES NUCLEAR REGULATORY COMMISSION

SUPPLEMENT NUMBER

4

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FILING INSTRUCTIONS

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Pages revised to make minor corrections and to include some previously issued procedures.

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US NRC
ADM-DIV OF TIDC
POLICY & PUB MGT BR-PDR NUREG
W-501 DC 20555
WASHINGTON

8502270574 850204
PDR NUREG
BR-0072 R PDR

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I. OFFICE OF THE EXECUTIVE DIRECTOR FOR OPERATIONS

A. Functions of EDO

The Executive Director for Operations (EDO) is responsible for supervising and coordinating policy development and operational activities of NRC program and staff offices. Specifically, the EDO:

1. Develops and promulgates rules, except proposed or final rules involving significant questions of policy or involving 10 CFR Parts 0, 2, 7, 8, 9 Subpart C, and 110.
2. Is responsible for administrative functions of the Commission including resolving EEO and grievance matters (excluding grievance matters that arise from Commission level offices) and providing support services.
3. Proposes any reorganization of the major offices which report to the EDO, consults with the Chairman prior to the Chairman's initiation of the appointments of the Directors of NRR, NMSS, RES, and IE, and appoints and removes, after consultation with the Chairman and without any further action by the Commission, all officers and employees of the offices reporting to the EDO except: Directors of NRR, NMSS, RES, and IE.
4. Ensures that the Commission, through the Chairman, is fully and currently informed about matters within its functions.
5. Performs any other matter or function explicitly assigned by the Commission or the Chairman.

R. OEDO Organization

The Office of EDO consists of the Executive Director for Operations (EDO), the Deputy Executive Director for Operations (D/EDO), the Assistant for Operations (AO/EDO), the Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR), and the Administrative and Correspondence Branch (OEDO:ACB). Their major job responsibilities are:

- ° D/EDO - Specifically responsible for coordination of budget matters, emergency planning matters, and the Executive Resource Board - as well as such other areas he may address for the EDO. Acts for the EDO in EDO's absence.
- ° AO/EDO - Monitors all correspondence and tasks assigned the staff by EDO or the Commission and establishes procedures for handling such work. Specifically responsible for interface with GAO and the DOE coordinating committee. Available to staff for guidance in any of these areas and for EDO guidance when required.
- ° DEDROGR - Supports the EDO's managerial and supervisory responsibility for the Regions. Also supports the EDO's management, control and tracking of generic communications with and requirements placed on licensees, permit holders and applicants. Chairs the Committee to Review Generic Requirements and is specifically responsible for overseeing the prioritization and reduction of the current backlog of regulatory actions. Frequently represents the EDO before the Commission, Congress, other agencies, industry and the public.
- ° OEDO:ACB - reviews and processes all communications addressed or referred to the EDO; serves as liaison with SECY on the coordination of principal correspondence, etc.; functions as central control point with OEDO and all the offices under it.

C. Working with OEDO

1. The AO/EDO or OEDO:ACR should be contacted to arrange for briefings of the Commissioners, or regarding the status of a SECY paper, a piece of principal correspondence submitted, etc. Occasionally, offices may get telephone inquiries from the Commissioners' Assistants or from the Commission offices such as Congressional Affairs (OCA), Public Affairs (OPA), Policy Evaluation (OPE), ACRS, etc. Consult your supervisor if there is any doubt in coordinating a task or assignment. The appropriate office contact should always be advised of contacts from the Commission.

D. EDO RULEMAKING AUTHORITY

1. General

- a. Subject to the general policy guidance from the Commission, the EDO has the authority to issue all proposed or final rules except those:

- involving significant questions of policy, or
- involving 10 CFR Parts 0 (Conduct of Employees); 2 (Rules of Practice for Domestic Licensing Proceedings); 7 (Advisory Committees); 8 (Interpretations); 9 Subpart C (Government in the Sunshine Act Regulations); and 110 (Export and Import of Nuclear Facilities and Materials).

NOTE: This covers any rulemaking notice affecting these parts, including corrections, minor changes, etc.

- b. For purposes of general guidance, a rule is considered to involve "significant questions of policy," and therefore must be submitted to the Commission if it:
 - represents a major change in existing Commission policy,
 - represents a major new issue, or
 - if it will result in a major commitment of resources by a class of licensees.

Further guidance on a determination can be obtained from Division of Rules and Records, Office of Administration.

- c. For those rules which do not involve significant questions of policy, the EDO must still notify the Commission of his actions.

2. Preparation of Rulemaking Paper

The staff office responsible for initiating a rule must make an initial determination of whether the rule falls within the scope of the EDO's rulemaking authority (see ¶ D.1.).

- a. If the rule does not fall within the scope of the EDO's rulemaking authority, the rule should be prepared for forwarding to the Commission in the normal Commission paper format. See Chapter III.
- b. If the rule does fall within the scope of the EDO's rulemaking authority, the rule should be forwarded by memorandum to the EDO. The memorandum should explain the basis and purpose of the rule. In addition, the originating office shall:

- ° Include in the memorandum, after the Office Director's signature, a certification statement prepared for EDO signature (see Exhibit 1 for a sample certification statement). This statement should identify the rule and explain how it comes within the scope of the EDO's rulemaking authority. If appropriate, it should also reference previous Commission policy decisions relating to the subject of the rule, and
- ° Prepare a notice as in Paragraph D.3., below.

3. Notification of Commission for Rules to be Signed by EDO

- a. In the case of a notice of proposed rulemaking, notification will occur by inclusion of an entry in the Weekly Information Report (see Exhibit 2 for a sample entry describing a proposed rule). The Office originating a notice of proposed rulemaking shall prepare the appropriate entry and include it in the signature package which is sent to the Division of Rules and Records for review and transmission to the EDO for action. OEDO will place the entry in the Weekly Information Report when/if EDO signs the rulemaking package.
- b. In the case of a notice of final rulemaking, the office originating the rule will prepare an entry (see Exhibit 2) for inclusion in the Daily Staff Notes in order to give the Commission the required notice. In this case, the EDO will place the notice in the Daily Staff Notes and hold the rulemaking notice for five working days after it is signed, to allow time to complete the Commission notification process, after which the rulemaking package will be forwarded to Rules and Records for final action.

- c. Staff who receive any comments on EDO rulemaking from the Commission pursuant to notices in Weekly/Daily Reports must advise OEDO promptly in order that appropriate action on the rule can be taken.

E. Control of NRC Rulemaking

By EDO memorandum of February 13, 1984, "Control of NRC Rulemaking by Offices Reporting to the EDO," offices were informed, that effective April 1, 1984, (1) all offices under EDO purview must obtain EDO approval to begin and/or continue a specific rulemaking (2) resources are not to be expended on rulemakings that have not been approved by the EDO and (3) RES will independently review rulemaking proposals forwarded for EDO approval and make recommendations to the EDO concerning whether or not and how to proceed with rulemakings. The purpose is to assure that (1) candidates for rulemaking are early and promptly identified, screened and thereafter annually reviewed to determine whether or not to proceed with rulemaking (2) rulemakings are assigned priorities commensurate with their importance relative to accomplishing the NRC mission and (3) rulemakings are timely, effective, efficient, and of high quality.

For each proposal to initiate or continue a rulemaking, the proposing office is responsible for preparing and forwarding a proposed rulemaking review package in accordance with the procedures set forth in a May 30, 1984 EDO memorandum to Directors of affected offices. In summary, the sponsoring office is to forward recommendations as to whether or not to continue a rulemaking to RES for independent review of the matter. Twenty (20) days thereafter, the Director of RES will forward independent recommendations concerning the rulemaking along with the sponsoring Office Director's recommendations to the EDO (ATTN: DEDROGR). The EDO will then decide whether or not to proceed with the rulemaking and inform affected offices of the decision. This process is repeated once each year for ongoing rulemakings.

F. Daily Staff Notes

1. Purpose: To provide the Commission with a daily report of significant events. See Exhibit 3.
2. Scope: Reported items should include issues of sufficient importance that the Commission would find it valuable to be advised promptly. Entries should be brief; if necessary, they can be followed up in detail in the Weekly Information Report or by means of a separate paper.
3. Details of Reporting
 - a. All offices will submit reports as required. Negative report is required from Program Offices only.
 - b. Typed reports (original or good xerox copy) are submitted to AO/EDO by 9:00 a.m. daily. Brief reports may be phoned in. Faxed reports must be received by 4:45 p.m.
 - c. Reports should be concise -- a sentence (several at the maximum) -- for each item. Use "who, what, when, why, where" criteria to assure clarity. See Exhibit 4 for a sample.
 - d. Examples of possible input:
 - ° CP/OL/FES issuance or important related activities.
 - ° Orders/Civil Penalties
 - ° Significant meetings/actions
 - ° Important correspondence received/Congressional hearings requiring testimony/feedback on hearings
 - ° Foreign incidents (major exposures or releases, degradation of systems, generic problems); expand in Weekly Information Report)
 - ° Exemptions, orders, events related to a hearing, releases, operating problems, failures (as appropriate to a daily report; otherwise report in Weekly Information Report)

- ° Staff briefings for a Commissioner's Office or a Congressional Office
- ° Visits by Commissioners to Regional Offices or Regional Facilities

G. Weekly Information Report

1. Purpose: To provide a single weekly document to include a general summary of the week's activities.
2. Scope: Since this report serves to advise a broad range of readership (Commission, staff to Branch Chief level and above, general public via PDR and subscription), it should be a genuine summary covering ongoing as well as completed items. It should particularly include items which the Commission should be aware of but which do not deserve the more formal treatment of an information paper.
3. Details of Reporting:
 - a. Offices submit typed reports (original or good xerox copy) to AO/EDO by COB each Friday using format shown in Exhibit 5. Faxed reports must be received by 4:45 p.m., Friday. Negative report is required from all offices.
 - b. Individual issue reports should be limited to a paragraph or two.
 - c. Input should include:
 - ° Status of major issues and projects in which the office is involved and with which staff or the Commission has an ongoing interest.
 - ° Reports of meetings/task groups which may be of interest outside the office involved.
 - ° Actions undertaken or projected which may be of interest outside the office involved.

- Information which might normally be circulated as an Information Paper, unless it is either too difficult to reduce to one or two paragraphs or too timely to wait for issuance of the report.
 - Preliminary Notifications issued during the week, summarized/information closing out the action when complete (IE).
 - FOIA/Privacy Act actions, summarized (ADM).
 - LWAs/CPs/CLs.
 - Licensing Actions.
 - Significant foreign incidents or information.
 - Status of TMI activities.
 - Upcoming significant meetings (see 3.e.).
 - Items otherwise requested to be a part of this report.
- d. Items which are "sensitive" should be provided as a separate entry with the notation "Deleted from PDR copy" added at bottom of page. These items will be incorporated into a separate enclosure marked "for internal distribution" and will be deleted from copies made available to the public.
- e. Procedures for Reporting Meetings
1. Submit meeting notices as a separate page with the Weekly Information Report, using the format shown in Exhibit 6.
 2. Include meetings with external groups and any really significant internal meetings.
 3. Report meetings to be held during the two-week period beginning 10 days after the reporting date (e.g., the December 10 report will include meetings scheduled for the 2-week period beginning December 20).

4. Adjust the report each week to reflect schedule changes and additions. For significant meetings, report last minute changes and additions in the Daily Staff Notes.

H. Weekly Staff Meetings

EDO staff meetings are usually held on Thursday mornings and are attended by Program Office Directors (or their deputies or designees), and such others as may be invited. These meetings provide offices with the opportunity to raise and discuss important issues that might eventually be brought to the EDO for resolution and discussion.

I. Periodic Review of Major Office Program

In order to provide for a more consistent and logical framework for review of the programs of major offices, EDO initiated on November 17, 1982 a practice of quarterly briefings.

Office Directors are to utilize these briefings to air programmatic problems and acquire decisions necessary for prompt and efficient exercise of their programmatic responsibilities. The OEDO staff will conduct these briefings on a continuing basis, raise questions necessary to assure that important issues are addressed as clearly as possible, and advise the EDO of appropriate decisions/problems. See Exhibit 7 for implementing instructions.

On December 1, 1982, the EDO issued guidelines for coordinating NRC program areas. Program briefings should include discussion of these areas for which an office is "lead", as well as for programs which are entirely internal to an office.

SAMPLE CERTIFICATION STATEMENT

[USE SINGLE SPACING]

Approved For Publication

In a final rule published March 19, 1982 (47 FR 11816), the Commission delegated to the EDO (10 CFR 1.40 (c) and (d)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)) subject to the limitations in NRC Manual Chapter 0103, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310. *The enclosed final rule entitled "Administrative Claims Under Federal Tort Claims Act" amends 10 CFR Part 14 to make it current and consistent with the regulation of the Attorney General, 28 CFR Part 14, to change the office where claims are filed and the NRC officials who are authorized to act on claims, and to provide procedures when NRC employee drivers are sued in State courts. In issuing this rule the EDO is acting in accordance with the general policy guidance provided by the Commission in a final rule establishing the Commission's administrative procedures for implementing the Federal Tort Claims Act (32 FR 3731).*

This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 0, 2, 7, 8, 9 Subpart C or 110. I therefore find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

Date

[Name]
Executive Director
for Operations

... Between asterisks insert the necessary description for the particular rule in question. These words are taken from a particular rule to serve as an example.

SAMPLE WEEKLY INFORMATION REPORT OR DAILY STAFF NOTES ENTRY

[USE SINGLE SPACING]

Proposed or Final Rule to be Signed by EDO

On _____, 1982, the Executive Director for Operations approved a [proposed rule] [final rule] which revises 10 CFR Part 14, Administrative Claims under Federal Tort Claims Act. This rule would add to Part 14 (a) procedures which NRC is to follow when claims are filed with NRC and one or more other agencies, (b) a requirement that NRC employee drivers who are sued in State Courts report such proceedings to the U.S. District Court if the employee was acting within the scope of his employment, (c) provisions for payment of claims over \$2,500.00 through the General Accounting Office, and (d) provisions limiting attorney fees as provided in the governing statute. The rule authorizes the Executive Legal Director to determine, compromise, and settle claims.

While about half of the 49 claims filed during the past 4 years have been filed by rental car agencies, the average amount allowed has been less than \$250.00. The Executive Director for Operations therefore certified under the Regulatory Flexibility Act that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This notice constitutes notice to the Commission that, in accordance with the rulemaking authority delegated to EDO, [the EDO has signed this proposed rule for publication in the FR.] [the EDO has received this final rule and proposes to forward it on _____ to the Office of the Secretary for FR publication, unless otherwise directed by the Commission.]



SAMPLE DAILY STAFF NOTES
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 1, 1983

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asseistine
Commissioner Bernthal

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: DAILY STAFF NOTES - MAY 31, 1983

IE

1. IE Information Notice 83-35, Fuel Movement with Control Rods Withdrawn at BWRs was issued May 31, 1983, to all boiling water reactor facilities holding an operating license or construction permit.

Region I

1. R. E. Ginna Nuclear Power Plant

The Region I staff will be conducting an enforcement conference on June 1, 1983, with Rochester Gas and Electric Company management regarding their failure to perform the appropriate post maintenance testing on the containment personnel air lock in October 1982.

NRR

1. Clinton Power Station

Illinois Power Company announced on May 24, 1983 that the fuel load date for the Clinton Power Station, Unit 1 has been revised from January 1984 to January 1986.

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SAMPLE DAILY STAFF NOTES ENTRY

NRR DAILY HIGHLIGHT

September 12, 1983

1. Seabrook Station, Unit No. 2

The owners of Seabrook Station, Unit No. 2 passed a resolution to reduce expenditures to a minimum level. Construction will be reduced to an activity level consistent with "maintaining" the construction permit. This action places Unit 2 in an extended construction delay. PSNH will formally submit a letter by the end of this month providing details of its Unit 2 plans along with a copy of the resolution that was passed.

2. Arkansas Nuclear One, Unit No. 1

ANO-1 was manually shutdown from full power operation at 7:00 pm CDT September 7, 1983 as a result of an unidentified leakage of greater than 1 gpm (Technical Specification limit) in the Reactor Coolant System. The licensee identified the leak as being from a 3/4" "C" Reactor Coolant Pump Seal drain line at a pipe to flange weld. The licensee determined that this drain line can be shut and, therefore, has installed blind flanges on this line upstream of the leak and all like drain lines of the other RCP seals.

Because this event was a shutdown for a limiting condition of operation, an unusual event was declared.

3. Peach Bottom Unit No. 3

On September 7, 1983, during startup of Unit 3 after an extended refueling and pipe crack repair outage, an increase in the unidentified leakage rate was recorded with the reactor at 15% power and 1000 psi. Unidentified coolant leakage as measured at the floor sump pump increased from 0.75 gpm to 3.0 gpm in less than 24 hours. Reactor pressure was then decreased to 500 psi and a search for the source of leakage was made. It was determined that the "B" recirculation discharge pump valve (M053B) was leaking at the body to bonnet flange. An initial repair attempt by readjusting the torque around the bonnet failed to stop the leakage. Reactor pressure has been further decreased to 50 psi and the Senior Resident Inspector (SRI) now indicates that the licensee plans to seal-weld the bonnet to stop leakage. Seal-welding has been used previously by TVA to correct similar leakage problems and is an acceptable fix. This proposed repair technique was scheduled to commence on September 8, 1983 and be completed in two to three days.

SAMPLE WEEKLY INFORMATION REPORT ENTRY

OFFICE OF NUCLEAR REACTOR REGULATION

ITEMS OF INTEREST

Week Ending August 26, 1983

Dresden Nuclear Power Station, Unit No. 3

At Saturday midnight, unidentified drywell leakage rose again after about a month to 3gpm requiring licensee analysis to determine the source. Containment air sampling was done with no abnormal indications and surveillance intervals between sump pumping were shortened to two hours. A reading of over 4gpm was reached during one of these two hour intervals but the subsequent four hour value was 3.66gpm which does not require a drywell entry. The licensee, based on his analysis to date, believes that the leak is either in a recirculation pump discharge valve or in a recirculation pump seal. Although a drywell entry is not required at this time, the licensee is considering a shutdown later this week so that entry can be made. The reading at 12:00 noon on August 22 was 3.25gpm.

Indian Point 2 - Striking Workers Return to IP-2

Members of Local #1-2 Utility Workers of America have begun to relieve management watchstanders at IP-2 following Thursday's vote to accept Con Edison's contract proposal. Reorientation of the returning operators, which includes required reading, classroom training and parallel watchstanding, will continue through all three normal Monday shifts. Management watchstanders will retain control of operations until 11 p.m. Monday night when the Tuesday mid-shift reports for work. The IP-2 resident inspectors are providing 24-hour coverage of the turnover activities.

Beaver Valley Unit 1

After core reload during the week of August 15, 1983 the licensee experienced trouble latching one rod cluster control assembly (RCCA). On August 20, 1983, after removal of the upper core internals package, the entire K row of fuel assemblies was found shifted about 1/4 inch. The nozzle on assembly K-2 (new fuel assembly) was crushed down about 7/8 of an inch with its associated RCCA displaced down approximately 2 inches. Underwater camera inspection of the bottom of the upper core plate was performed on August 22, 1983. It was found that the control rod guide tube assembly has been aligned by guide pins that have been incorrectly placed on the upper core plate. (Apparently, when these pins were installed during a recent repair effort, they were mistakenly placed in the bypass holes on the upper core plate.)

The licensee believes that there is no damage to the fuel elements. The damaged assembly will be withdrawn, inspected and be replaced or repaired.

RES MEETING NOTICES

August 26, 1983

<u>DATE/TIME</u>	<u>DOCKET NUMBER</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ATTENDEES/APPLICANT</u>	<u>NRC CONTACT</u>
8/27-28/83		Boston, MA	2D/3D UPTF Measurement Tests	Zuber	Zuber
8/28-9/1		Cambridge, MA	International Mtg on LWR	CSRB, ORNL, INEL, LANL, SNL	Agrawal
8/29/83		P-118	Semiscale	Landry	Landry
8/30/83		Idaho Falls, ID	INEL MIST Support	Young	Young
8/29/83 AM		1133-SS	Meeting with Mr. Finzi of CEC to discuss research coordination		Cortez
8/29/83 3:00 PM		Rm 7B084 Forrestal Bldg.	Meeting with DOE on waste management	RES, NMSS	Minogue
8/30/83		1140-SS	Meeting with Mr. Cottrell of Oak Ridge to discuss the Nuclear Safety Journal		Minogue
8/31/83		Hanover, NM	1/2 Scale Thermal Mixing Tests	Reyes	Reyes
9/1/83		Los Alamos, NM	LANL MIST Support	Young	Young
9/1/83 AM		1717 H Street	ACRS Mtg - Severe Accident	ACRS/SARP Manag/BCL	Larkins Wang
9/2/83 All Day		P-110 Bethesda	NRC/EPRI H ₂ Rvw. Mtg.	CSRB/CHEB NRR Branches EPRI	Larkins

Revised 02/04/85

I-18

EXHIBIT 6

SAMPLE MEETING NOTICE FORMAT

MAJOR OFFICE PROGRAM REVIEWS
Implementing Instructions

- A. Purpose: To provide for periodic reviews of major NRC programs which will surface existing and developing problem areas and provide a mechanism for decisions or other actions by EDO on those problem areas affecting the progress of programs as far in advance as possible.
- B. Method: On approximately quarterly basis, Program Office Directors (NRR, NMSS, RES, and IE) will be scheduled to brief EDO on programs of interest - interoffice programs for which they are responsible as well as office programs. OEDO will provide a memo in advance of the briefing indicating programs of special interest; Office Directors will add those additional programs in which they perceive an appropriate area should be addressed. Briefings will be concise and problem - as opposed to status - oriented. No viewgraphs or formalization will be required. More in-depth briefings, if required, will follow.
- C. Scheduling: Two-hour blocks will be scheduled by the AO/EDO in coordination with the Offices.
- D. Attendance:
- 1) EDO, D/EDO, DEDROGR, AO/EDO, (senior person present will chair)
 - 2) Office Director of the Office involved
 - 3) Division Directors of the Office involved or senior Division member available
 - 4) Directors of other offices will attend or have a member(s) present. They will observe and participate on discussion of cross-cutting issues where relevant and should be knowledgeable.
 - 5) Supporting staff is not required
- E. Agenda:
1. OEDO will advise an Office one week prior to a scheduled meeting by memo of programs to be addressed. These items will constitute the first set of agenda items.
 2. Office Directors will table a list of additional programs at the initiation of the meeting which they wish to address because problems have surfaced or are anticipated to surface prior to the next meeting. In developing this list, offices should review the EDO Program Guidance and lead office assignments in the EDO memorandum on Guidelines for Coordinating Program Areas. These items will constitute the second set of agenda items.

3. Programs will be informally discussed with the specific focus being on:
 - a) programs which have or will slip and the causes thereof;
 - b) issues on which cross-office problems exist;
 - c) issues on which an EDO decision will speed work or provide him an opportunity to imprint a program in a significant direction;
 - d) program outputs which are sufficiently of a surprise nature that advance notice is useful.
4. Office Directors will lead the discussion with support by Division Directors as required. The chair will allocate time and summarize decisions at the conclusion of the meeting.

II. CORRESPONDENCE

- A. Principal Correspondence
 1. EDO Control Ticket System
 2. Preparation of Reply
 3. Suspense Dates (due dates)
 4. Office Responsibilities
 5. Correspondence Tone and Style
 6. Assignment of Reply Signator and Information Routing
 7. Special Instructions for Preparing Letters for the Chairman's Signature
 8. Concurrence/Review
 9. Staff Inquiries
 10. Format

- B. General Correspondence

- C. Interoffice Memoranda

- D. Proofreading

- E. Classified Information

- F. Sensitive Unclassified Information

Exhibits

II. CORRESPONDENCE

A. Principal Correspondence

Principal correspondence includes, but is not limited to, Congressional inquiries, all letters addressed to the Chairman, Commissioners, and the Executive Director for Operations (EDO), the replies to the above, as well as memoranda from the Commissioners.

1. EDO Control Ticket System

A computerized Principal Correspondence Control ticket is used by the Administrative and Correspondence Branch of the OEDO (OEDO:ACB) for tracking the incoming principal correspondence that is assigned to the staff for reply. This ticket contains information such as the writer and addressee of the incoming correspondence, a brief description of its content, the office that is assigned to prepare the reply, the reply due date, whose signature the reply should be prepared for (e.g., EDO, Chairman, or other), etc. The Routing column shows the individuals (offices) that the OEDO:ACB has sent copies of incoming correspondence to. These individuals (offices) should also receive copies of the reply. Often, the EDO Control ticket item also contains a Secretariat Control ticket used by the Office of the Secretary (SECY) for tracking correspondence addressed to the Chairman and the Commissioners and Commission staff offices. The instructions on the EDO Control ticket should be followed.

See Exhibit 1 A and B for a sample of the EDO Control ticket and the Secretariat Control ticket.

c. Complimentary Close

Use "Sincerely" as the complimentary close on all letters except for those to the President, which should use "Respectfully yours."

d. Distribution and concurrence block (see Exhibit 6).

e. Copy requirements (see Exhibit 7).

B. General Correspondence

General correspondence refers to the correspondence that does not fit under the principal correspondence category, as described earlier. This may include letters from, or to, other Government agencies, contractors, and general public. The proper format is similar to that required of the principal correspondence. These are usually signed at the branch, division, or office level depending on the individual office procedures. ELD concurrence is required if any legal consideration, e.g., interpretation of rules and regulations, is involved.

C. Interoffice Memoranda

Exhibit 8 shows the proper format for memoranda between NRC offices.
Rule of thumb:

In order that proper review and approval are obtained, the signer of a memorandum should generally hold a position equivalent to that of the addressee. For example: A division director signs a letter to the division director of another office. A memorandum addressed to a staff member of another office (division, branch) may be signed by the staff-writer, provided that the memorandum is on matters related to

areas or tasks that have been specifically assigned to the staff-writer, and that it does not refer to any significant policy issues. The division director or branch chief's approval may not be necessary in this case, depending on each office's policy. ELD should be included for review and concurrence, when appropriate.

D. Proofreading

It is the responsibility of both the writer and the typist to proofread carefully the work before submitting to EDO, etc. Refer to NRC Manual, Appendix 0240 for detailed instructions.

E. Classified Information

Materials involving classified information should be prepared, protected and transmitted properly. Refer to NRC Manual, Appendix 2101, Part III for detailed information on preparation and handling of classified documents.

F. Sensitive Unclassified Information

Material involving sensitive unclassified information should be prepared, protected and transmitted properly. Refer to NRC Appendix 2101, Parts IV, XVI and XVII, respectively, for detailed information on the preparation and handling of Official Use Only Information, Proprietary Information and Unclassified Safeguards Information.



SAMPLE EDO CONTROL TICKET
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM:

REP. JOHN D. DINGELL

DUE: 01/18/85

EDO CONTROL: 000275
DOC DT: 01/09/85
FINAL REPLY:

TO:

CHAIRMAN PALLADINO

FOR SIGNATURE OF:

CHAIRMAN PALLADINO

** PRIORITY **

SECY NO:

DESC:

Q'S RE WELDING AT WOLF CREEK

ASSIGNED TO: NRR

CONTACT: DENTON

DATE: 01/15/85

SPECIAL INSTRUCTIONS OR REMARKS:

NOTE SHORT DUE DATE

ROUTING:

DIRCKS
ROE
REHM
STELLO
KEPPLER
RMARTIN
DEYOUNG
GCUNNINGHAM

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 NPC 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. In addition, the Office of State Programs should review all papers which contain an analysis of impacts upon State and local governments. 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).

- 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) Official Use Only, Proprietary Information and Safeguards Information markings made in accordance with NRC Appendix 2101, Parts IV, XVI and XVII.
- (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

VIII. MISCELLANEOUS

- A. Resolution of Inter- and Intra-Office Differences
- B. Keeping the Commission Informed
- C. Communications Between Staff and Commissioners' Offices
- D. MOU Between ACRS and EDO
- E. Coordination of ACRS Full Committee Meetings
- F. Policy on the Distribution of Draft Inspection Reports and Policy on Control of NRC Reports and other Documents
- G. Policy in regard to Dealing with those who provide Information to the NRC and Release of Information to Licensees.
- H. Procedures in Dealing with FBI/Department of Justice
- I. Distribution of OI Investigation Reports
- J. Public Speaking Engagements
- K. Policy and Procedures for Direct Distribution of Proposed and Effective Regulations to Licensees and Other Interested Persons
- L. Procedures for Foreign Travel
- M. Use of Blue Bag Service

Exhibits

VIII. MISCELLANEOUS

A. Resolution of Inter- and Intra-Office Differences

Office Directors and Regional Administrators are expected to have the necessary mechanisms in place to assure that they are made aware of differences which are being worked out with other offices, as well as of conflicting opinions within their own offices. When advised that difficulties in resolution will/may affect a suspense date, either Office or Division Directors must become involved with their counterpart. If this is not effective, the Office must make a prompt decision either to bring the issue to the attention of the EDO or, if a Commission paper is involved, to outline the difference with a non-concurrence by one or more parties.

B. Keeping the Commission Informed

In "keeping the Commission advised," it is desirable to communicate in writing in order to eliminate possible misperceptions.

The "non crisis" method of notification is via the Daily Staff Notes. The "crisis" method is to use datafax facilities. The "Preliminary Notification" developed by IE is a good example and can be used in preference to or as supplementary to phone calls. (See Exhibit 1.)

C. Communications Between Staff and Commissioners' Offices

Any member of the NRC staff should feel free to contact a Commissioner's office to provide factual information or notice of forthcoming events concerning items known or believed to be of interest to that Commissioner. Contacts initiated by Commissioners' offices requesting factual information should be answered directly without hesitation. It

is normally expected that, in either case, the staff member's immediate supervisor will be informed promptly about contacts of substance; the supervisor should, in turn, advise upper management as appropriate. Responses which involve significant staff efforts or that represent office views on policy should be made in accordance with established NRC procedures. See Chapter III.

D. Memorandum of Understanding Between the Advisory Committee on Reactor Safeguards (ACRS) and NRC Staff - Executive Director for Operations (EDO)

A Memorandum of Understanding between the ACRS and EDO was issued effective June 15, 1983 (modified August 15, 1983), to establish procedures for ACRS participation in major NRC policy and rulemaking activities of the NRC at a sufficiently early stage to permit constructive interaction during formulation of safety related rules or policy statements. See Exhibit 2 for a copy of the MOU.

E. Coordination of ACRS Full Committee Meetings

The following procedures have been established to provide for centralization of the process of forwarding issues to ACRS for consideration at Full Committee Meetings.

On the first business day after the 4th of each month, Offices should provide to AO/EDO a projection of items to be presented to the Full Committee for the next 3 monthly meetings (e.g., on July 5 for meetings in August, September and October). No report is required if no topics are to be submitted. Provide information for each month in format shown in Exhibit 3. General guidance for what issues are relevant for ACRS consideration and for generally keeping ACRS informed is contained in the ACRS/EDO Memorandum of Understanding.

ACRS has indicated that they will provide EDO a list of items they propose for consideration by the 1st of each month. When that is received, it will be provided to those concerned.

F. Policy on the Distribution of Draft Inspection and Investigation Reports and Policy on Control of NRC Reports and Other Documents

On October 7, 1983, the EDO issued a policy statement on distribution of draft inspection and investigative reports. Additionally a general policy statement that addresses the release of all NRC reports and other documents either in draft or final form was issued on December 3, 1984. These policies are contained in Exhibit 4.

G. Policy in regard to Dealing with those who Provide Information to the NRC and Release of Information to Licensees

Procedures regarding these matters were issued by the EDO on January 6, 1984 and April 24, 1984. See Exhibit 5. These procedures are also addressed in proposed NRC Manual Chapter 0517, "Management of Allegations" issued to Office Directors and Regional Administrators on September 19, 1984.

H. Procedures in Dealing with FBI/Department of Justice

See procedures issued on October 24, 1983, at Exhibit 6.

I. Distribution of OI Investigation Reports

In order to avoid the unintended release of correspondence or material pertaining to an OI investigation report, such material should not be entered by staff into the Document Control System (DCS) or sent to NRC Central Files or PDR without coordination with OI. Offices are responsible for ensuring that procedures are in effect to comply with this requirement.

J. Public Speaking Engagements

1. Speaking engagements are necessary to communicate to the public and industry NRC's regulatory role and positions. Managers should approach the Office of Public Affairs for advice when necessary.

2. Management should make careful judgment to assure that speeches take on a regulatory stance which cannot be misconstrued as one of proponent/opponent of nuclear power. Meetings which suggest a "debate" between "pro" and "anti" nuclear speakers should be approached cautiously, as identification with one side or another of the issue is difficult to avoid.
3. It is management's responsibility to approve speaking engagements on the part of staff personnel.
 - a. Office Directors/Regional Administrators may set up their own procedures for review.
 - b. EDO will approve the speeches of Office Directors and Regional Administrators which deal with significant issues, new policy or new policy implementation. They will be submitted to EDO, ATTN: AO/EDO, 3-7 days before approval is needed. Those which deal with routine matters need not be submitted.
4. Forthcoming public speaking engagements are listed in the EDO Weekly Information Report.

K. Policy and Procedures For Direct Distribution of Proposed and Effective Regulations to Licensees and Other Interested Persons

1. Policy

- a. All substantive ^{1/} proposed and effective regulations will be mailed to affected licensees and other known interested persons. "Interested persons" includes, for example,

^{1/} In those cases where the amendment is considered minor and does not affect the public health or safety, or NRC's regulatory requirements, e.g., inconsequential grammar, address, or title changes, the task leader should seek his/her Division Director's approval to forego the direct mailing in the interest of economy.

standards writing groups, trade associations, trade publications likely to be read by affected licensees, public interest groups, persons who commented on a proposed rule, and other persons who have expressed an interest in the regulation.

- b. Commission papers recommending proposed or effective regulations will contain a statement that affected licensees and other interested persons will receive a copy of the amendment by direct mail.
- c. The task leader responsible for the development of a regulation will be responsible for assuring that copies of the final rule are made available to persons who commented on the proposed rule.
- d. In the case of a regulation affecting Agreement State licensees, the Office of State Programs will inform the Agreement States of such.

2. Procedures

Effective immediately, as a service to the program offices, the Office of Administration will assume responsibility for distributing each proposed and final rule to affected licensees and other interested persons maintained on computer based mailing lists. As soon as a rule is published in the Federal Register, the Rules and Procedures Branch, DRR, ADM will forward a copy of the published notice to the Document Management Branch which will distribute it to the proper persons. If a particular rulemaking proceeding has generated public comments, the program office will continue to be responsible for mailing copies of the notice to the commenters. In the event of special distribution considerations, the contact person should contact the Chief, Document Management Branch, TIDC, on extension 49-28585.

The notation section of a Commission paper accompanying a rulemaking notice should contain this paragraph:

Copies of this notice will be distributed to affected licensees and other interested persons by the Office of Administration.

L. Procedures for Foreign Travel

Administrative approval of foreign travel via Form 445 should be requested during the early stages of planning for a trip and not during the last week before a trip begins. NRC Form 445 should be forwarded to the Office of International Programs/Travel/EDO 30 days before the begin date of the travel. Forms submitted later than 30 days prior should have an explanation for the delay accompany the form.

Foreign travel related to meetings, symposia or conferences external to OECD countries must be approved by EDO (thru IP) before the traveler commits to the event. This approval should normally be requested by memo, to EDO thru IP, as soon as the event is known. When IP receives a general invitation directly, they will evaluate the importance of the event and recommend to the EDO before soliciting attendance.

All foreign trips of any nature will include a justification in the remarks section if more than one person is involved in all or part of the travel involved.

M. Use of Blue Bag Service

NRC blue bag service is available for delivery of urgent correspondence between NRC Headquarters locations. The use of this service is limited to Office Directors and above and requires the written authorization of an official at the level of Division Director or above on Form NRC-234, "Blue Bag Mail Service" card. (See Exhibit 7.)

Note that the card is signed at both the sending and receiving offices. Thus, the card also serves as the proof of delivery. However, if you simply need proof of delivery for non-urgent communications, use NRC Form 253, "Messenger/Courier Receipt" (Exhibit 7) instead of the Blue Bag Service. Both of the forms can be obtained through NRC supply rooms or by submitting a requisition to the Warehouse.

Unclassified correspondence to be placed in a Blue Bag should be taken to the Mail Room servicing the sender's building or given to the mail person servicing the office, along with the completed Form 234. The correspondence will be placed in a blue bag and delivered to its destination on the next available mode of transportation, i.e., Special Messenger, Mail Shuttle, Passenger Shuttle, or hand-carried.

Classified material must be transported by authorized messenger only and prepared in accordance with established security procedures. See NRC Appendix 2101, Part III. The Form NRC-234 must indicate the classification of the document, i.e., Secret or Confidential. In addition, an NRC Form-253 must be completed and accompany the classified Blue Bag material. If secret material is transmitted, NRC Form 126, "Classified Document Receipt" is required. (See Exhibit 3.)

Blue Bags should not be retained in individual offices; they should be returned to the Mail Room or the mail person delivering the material after the Form 234 has been signed by the recipient and the contents removed.

Any questions concerning the Blue Bag services should be directed to the Chief, Mail and Messenger Branch (X-27485).

APRIL

Revised 02/04/85

Title/Issue

(This should include topics in which we know ACRS has an interest as well as those we wish to put forward on our own volition.)

Purpose

(Only 3 type entries:
"Request ACRS comment,"
Status Report,"
Discuss matters of general interest.)

Priority

(High: if it is important to staff to deal with it this month;*
Medium: if ACRS must eventually deal with it; Low: if staff doesn't need action but is offering the suggestion of a meeting.)
*ACRS can handle 3-5 "High Priority" items a month.

Related Documents

(What document(s) not in possession of ACRS now will be available and when will they be forwarded) (If an item requires a closed session, that should be noted.)

VIII-15

Samples

Meeting with a Regional Director

Discuss matters of a general interest

High (EDO)

None

R.G. 8.8 Rev. 4, "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Plants will be As Low As Reasonably Achievable"

Request ACRS Comments

High (RES)

R.G. 8.10, "Operation Philosophy for Maintaining Occupational Radiation Exposures As Low As Reasonably Achievable"

Proposed Revisions to 10 CFR 30, 40, 70 and 72 on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees

Request ACRS concurrence in staff position

High (RES)

Proposed rule and Regulatory Analysis will be provided on 12/15/83

Trends and Patterns Program Plan

Status Report

Medium (AEOD)

Briefing Package (4/1/84)

Implementation of R.G. 1.97

Status Report

Low (NRR)

Briefing Package (4/11/84)

EXHIBIT 3

Sample Format - Projection of Items for Full ACRS Meeting



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

OCT 07 1983

MEMORANDUM FOR: Richard C. DeYoung, Director, IE
Thomas E. Murley, Regional Administrator, RI
James P. O'Reilly, Regional Administrator, RII
James G. Keppler, Regional Administrator, RIII
John T. Collins, Regional Administrator, RIV
John B. Martin, Regional Administrator, RV

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY ON THE DISTRIBUTION OF DRAFT INSPECTION AND
INVESTIGATION REPORTS

I have reviewed your comments with regard to the policy on distribution of draft inspection reports stated in my memoranda of March 24 and July 30, 1982. I have also discussed our policy on release of draft investigation reports with the Directors of OI and OIA.

The primary motivation of this policy statement is to ensure that official NRC documents, and their inspection and investigative conclusions, are published without any taint, either real or perceived, of improper influence by those we regulate. Moreover, we will reinforce policies which strengthen the authority of the NRC field staff to comment freely on safety issues at the preliminary stages of fact collection and evaluation. The basic problem to be addressed by this policy is the fact that licensees shall not be afforded opportunities to modify NRC documents to their advantage outside the public arena.

In order to give suitable consideration to these issues, the policies stated in my memoranda of March 24 and July 30, 1982 are superseded by the following:

A. Objectives

The following statements reflect the basic objectives of this policy statement:

1. To ensure that sufficient flexibility is provided to the Regional Administrators so that they and their staffs will not hesitate to disseminate safety-related information to licensees during the inspection/investigation process, prior to distribution of the final reports, and
2. To ensure that inspection/investigation findings accurately represent the facts collected by, and the conclusions drawn by, the NRC staff, without improper influences by licensees or their agents

on the content and/or conclusions of NRC reports of inspections or investigations.

B. Safety and Security Issue Communications

NRC policy recognizes that nuclear safety and security concerns must be addressed by prompt, positive actions. Accordingly, safety or security information must be promptly and clearly identified to responsible licensee management to obtain prompt licensee evaluation and, if appropriate, safety-related corrective actions. Such clear communications are necessary to maintaining required levels of safety and security at licensed facilities. When such communications are made as a result of concerns that arise during the course of an inspection/investigation, the fact of the communication should be noted in the inspection/investigation report, and a copy of any written communication should be included in the report.

Where approved by regional management, inspectors may, in preparation for exit interviews or enforcement meetings, provide to the licensee a listing of significant issues developed in the course of an inspection, in order to facilitate communication of inspection findings which require corrective action. However, notes, draft reports, draft evaluations, draft notices of violations or non-compliance, or other material containing preliminary inspection conclusions, findings and recommendations are not to be provided to the licensee, except as required by safety or security concerns, as noted above.

Briefing materials prepared by the staff for use in meetings with licensees occasioned by inspection activities should be reviewed by regional management prior to distribution at a meeting, and appended to the inspection report.

C. Release of Draft Inspection Reports

Under no circumstances should draft inspection reports, either in their entirety or excerpts from them, be released to licensees or their agents, or to any source external to the NRC without the express permission of the EDO.

For the purposes of this policy, a draft inspection report is the preliminary draft of the document which will provide the account and conclusions of an official NRC inspection. It is to be considered a draft inspection report from its initial development, and throughout the period of supervisory and management review, until final publication and distribution in accordance with IE Manual Chapter 1025.

In the event any draft inspection report is inadvertently or otherwise released contrary to this policy, the EDO should be promptly advised in writing. The EDO will take or recommend action as appropriate.

D. Release of Draft Investigation Reports

For the purposes of this policy, a draft investigation report is the preliminary draft of the document which will provide the account and findings of an official NRC inquiry or investigation. It is to be considered a draft investigation report from its initial development, and throughout the period of supervisory and management review, until final publication.

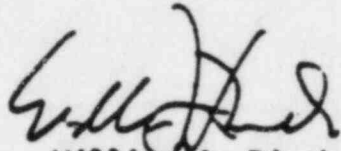
It is important to realize that OI is required by Commission directives to inform Regional Administrators of safety and security issues as they are developed in the course of an investigation. Regional Administrators shall act on this information in accordance with the policies set forth above for the prompt communication of safety and security issues, and in addition shall observe the following procedure.

The Regional Administrator shall inform the Director, OI, in advance that information related to an open investigation is being considered for release to the licensee because safety or security concerns require initiation of corrective actions before publication of the investigation report. The Director, OI, should review the information to be released and advise the Regional Administrator of the anticipated effect of its release on the course of the investigation. The Regional Administrator will release the information only after determining that the safety or security concerns are significant enough to justify the risk of compromising the effectiveness of the investigation and, possibly, subsequent enforcement or prosecution options. Any such release of information should be recorded in the investigation report.

Pursuant to Commission approved OI policy, draft OI reports of investigation will not be circulated outside the NRC without the specific approval of the Chairman. (OIA draft reports of investigation will under no circumstances be reviewed with or given to licensees, their agents, or to any source external to NRC, without the express permission of the Director, OIA.) Requests for such permission should be made through the EDO.

In the case of an emergency appearing to require immediate action, NRC personnel shall provide the licensee with any information they judge the circumstances warrant. If time permits, regional management should be consulted first.

The foregoing policies are effective immediately. The EDO, following an appropriate evaluation period for this policy, will incorporate this policy into the NRC Manual. Also, the EDO is reviewing existing procedures and practices related to other types of communications under the cognizance of other NRC Offices and will issue policy guidance where deemed appropriate.



William J. Dircks
Executive Director
for Operations

cc: H. Denton
J. Davis
R. Minogue
G. Messenger
B. Hayes

DEC 3 1984

MEMORANDUM FOR: Office Directors
Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY ON CONTROL OF NRC REPORTS AND OTHER DOCUMENTS

On October 7, 1983, I issued a policy statement regarding the distribution of draft inspection and investigation reports. Since that time, other events have occurred that indicate the need for a general policy statement that addresses the release of all NRC reports and other documents, either in their draft or final form. That policy statement is enclosed. The major premise of the enclosed policy statement is that documents will not be provided to one licensee or member of the public unless they can be made available (generally through the Public Document Room) to all.

Nothing in the enclosed policy statement should be construed as a relaxation of my October 1983 policy statement. Rather, it is my intent that the procedures developed in response to the enclosed policy statement be consistent with the specific directions in my October 1983 policy statement. As an amplification of my October 1983 policy, you should also establish procedures to ensure that OI is promptly informed whenever a material false statement is suspected. Additionally, matters being referred to OI should be coordinated with OI prior to advising a licensee of the potential referral. To assure overall consistency and completeness your procedures should be forwarded to DEDROGR for review and comment.

By copy of this memo, I am directing the Office of Administration to incorporate these policies into appropriate NRC Manual Chapters.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Enclosure: As stated

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
V. Stello, DEDROGR
SECY
OPE
OGC

POLICY ON CONTROL OF NRC REPORTS AND OTHER DOCUMENTS

INTRODUCTION

NRC must act promptly and positively on nuclear safety and safeguards concerns. Such concerns must be identified promptly, documented and made known to responsible licensee management to obtain prompt evaluation and appropriate corrective action. At the same time, NRC documents must be developed and issued without improper licensee or public influence, or the appearance thereof, and must be made available to the public in a timely manner, consistent with NRC regulations, policies and procedures.

OBJECTIVES

The objectives of this policy statement with regard to both plant-specific and generic NRC reports and other documents (referred to hereinafter as "documents") are:

1. To provide NRC staff with general policy guidance on the release and distribution of draft and final documents.
2. To assure that staff documents are developed and issued without improper influences, real or perceived, by the public or by applicants, licensees, permittees or their subcontractors or agents (referred to hereinafter as "licensees") and are made available promptly to the public.
3. To assure that sufficient flexibility is provided to Office Directors and Regional Administrators so that they and their staffs will not hesitate to disseminate appropriate safety or safeguards information to licensees, before distribution of final documents.

POLICY

For the purpose of this policy, the term "documents" encompasses all written material considered to be NRC records under 10 CFR Part 9. A draft document is to be considered a draft from its initial development throughout the period of review until its issuance as a final document. A final document is one that has been signed or otherwise approved for publication and distribution. Final documents will be distributed in a manner that will ensure that the public, the licensees, NRC contractors and Government agencies have access to information they need to fulfill their responsibilities. Final documents provided to licensees will be placed in the Public Document Room (PDR).

Any decision under this policy to place documents in the PDR must also be consistent with NRC regulations, policies and procedures regarding confidentiality, security, safeguards, proprietary, and Privacy Act Information and investigative matters.

Draft documents, or information contained therein, are not to be discussed with, given to, or shown to any licensee or the public by NRC staff without prior approval.

Predecisional interagency or intraagency memoranda and letters shall not be provided to licensees or the public or placed in the PDR without prior management approval.

In the event any document is inadvertently or otherwise released by the NRC, its contractors or other Government agencies contrary to this policy, the EDO should be advised promptly in writing of the occurrence and the corrective action to be taken by the responsible Office to avoid recurrence of such release. Normally, under such circumstances, the released document should be placed in the PDR.

EXCEPTIONS

In the event there is an emergency, or a significant safety or safeguards issue appears to require immediate action, NRC personnel, at their discretion, may discuss with, show to, or provide the licensee with any pertinent material they believe the circumstances warrant.

In the normal course of conducting regulatory activities, communications with licensees, vendors, industry representatives and other Government agencies are at times necessary regarding initial NRC staff positions, license conditions, confirmation of action letters, inspection findings, preparation of bulletins and information notices, events at other facilities, etc. Such communications can be held in advance of the final NRC documents for the purpose of (1) gaining factual information, (2) assessing the cost, feasibility and benefit of, or alternatives to, proposed actions, or (3) alerting licensees to initial staff positions or safety findings in order that corrective actions can be initiated promptly. This policy statement is not intended to impede such exchanges of information. Any written communications provided by the staff to licensees or the public shall, however, be placed in the PDR.

Draft research reports, studies, data or other documentation based on information obtained from a licensee or vendor, which may be discussed or exchanged with those parties and other participants in a study or research program, are not subject to restraint under this policy statement.

Draft proposed and final rules, policy statements and other documents pertaining to materials regulated by the Agreement States may be sent to the Agreement States for comment and are not subject to restraint under this policy.

Nothing in the policy statement shall automatically preclude the release of agency records pursuant to a formal request under the Freedom of Information Act.

IMPLEMENTATION

Program and Regional Offices are expected to develop and implement procedures that reflect this policy. IE, NMSS and NRR, in coordination with Regional Offices, should develop generic procedures for use by the Regional Offices regarding inspection, fuels and materials licensing and reactor licensing, respectively.



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

January 6, 1984

MEMORANDUM FOR: Office Directors
Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY IN REGARD TO DEALING WITH THOSE WHO PROVIDE
INFORMATION TO THE NRC

Our policies in dealing with persons bringing irregularities and deficiencies in safety performance to our attention require clarification and emphasis in order to assure that they are dealt with properly and the issues they raise are correctly treated.

NRC resources must be utilized in ways which maximize our ability to key on safety related problems. Citizens who voluntarily step forward with information regarding safety matters must be looked on as a valuable adjunct to our programs. Moreover, a part of NRC's effectiveness and credibility with the public is a function of our relationships with these people. In this regard we should be professionally courteous in our interfaces, complete in our technical reviews of issues they raise and observant of procedures which recognize the special problems faced by persons who come to us with allegations regarding improper safety conditions and practices.

I am asking IE to take the enclosure of this memo and translate it into Manual Chapter format. I will expect them to coordinate the MCM with you once more, although I am aware many of your comments have been incorporated. In the meantime, it will serve as interim guidance with one exception; before directing that citizens must be advised of their privilege of anonymity I wish to clear this point with the Commission and will do so when IE provides me the MCM for approval.

A handwritten signature in dark ink, appearing to read "William J. Dircks".

William J. Dircks
Executive Director
for Operations

Enclosure:
As stated

POLICY IN REGARD TO DEALING WITH THOSE WHO PROVIDE
INFORMATION TO THE NRC

General Issues

1. Those who provide allegations to NRC staff must be treated with respect, consideration and tact. Under no circumstances should they be dealt with brusquely or under an atmosphere of interrogation.
2. When a number of allegations point to or reinforce indications of a broader problem it is appropriate to assume that such a problem may exist. Prompt action to broaden the scope of our inquiry should then be taken to determine whether or not such is the case.
3. While the safety significance of an allegation is an important factor in determining the extent and promptness of staff resources commitment, it should not affect the staff treatment of the person making the allegation as given in item 1 above.

NRC Procedural Practices

1. When allegations are received in writing, a prompt attempt to make personal contact must ordinarily be made in each case. When received telephonically, complete details should be acquired along with availability of the person making the allegation to meet with NRC. If documents are involved, they should be identified and acquired by NRC -- the person making the allegation should not normally be required to obtain them.

2. Contact, when made, should draw an interested and professional response from NRC. I am directing IE to prepare a simple package that can be provided to individuals making allegations and will make clear to them how NRC deals with allegations.
3. Follow-up on allegations, whether they are general or specific, should focus not only on the specific allegation but on the overall area of concern, including the potential for generic implications.
4. Allegations should be screened for importance and the more serious addressed first. Serious or not, all allegations should be addressed as promptly as resources will allow.
5. When a plant visit with a person making the allegation is necessary to find the exact location of a problem and the individual is willing to make such a visit, it should be made. Access issues should be addressed on a case by case basis. Travel costs for the individual can be offered if necessary. Care should be taken to avoid embarrassment or abuse of the individual, e.g., visit can be scheduled for an off-shift/weekend, licensee accompaniment prohibited, etc.
6. When responsibility for the handling of an allegation is transferred from one organizational unit to another the person making the allegation should be notified by the individual who is relieved as contact in order to assure continuity. A single point of contact should be the rule.

7. Follow-up of allegations should be professional in scope and depth. If it is appropriate that an inspection be made, it should be made.
8. Without exception, the individual making the allegation should be promptly advised of the results of inspection follow-up action so that they are aware that their problems were addressed. If for some reason there is unusual delay in providing the results, the person should be advised so that he does not feel his allegations are being ignored.
9. An "audit trail" - to include personal interview records - should be established so that NRC actions can be properly justified if necessary. All allegations should be entered in the allegation tracking system.
10. The final report should set forth the facts clearly, dispositively, and in a style that does not belittle or disparage the person who brought a safety matter to our attention.

Licensee Actions

1. Licensees should be encouraged to take allegations seriously. Programs such as interviews of all employees who terminate should be encouraged. Such programs should be monitored by NRC . Licensee actions do not relieve us of our responsibilities, but effective licensee actions may reduce somewhat the number of allegations we receive.

2. It should be advantageous under some circumstances to have the licensee address the validity of allegations to the NRC. If so, confidentiality must not be breached. Licensees can be asked to address the validity of allegations only if in so doing the person making the allegation is not exposed. One vehicle for accomplishing this is a 50.54(f) letter. The person making the allegation must be informed that this is not handing the issue over to the licensee, but that NRC will review the licensee's report. Such a review should, of course, not be peremptory.

Confidentiality

1. Staff should recognize that in many cases individuals making allegations feel that they lay their jobs on the line when they approach the NRC. All our activities must be sensitive to this, even when no explicit confidentiality agreement has been executed. Identities of sources will not be voluntarily exposed by the NRC unless it is clear that the individual concerned has no objection. As a general rule, the 'need to know' approach should be used when dealing with the protection of an person's identity.
2. Staff should assure that it is clear to all concerned if and on what terms anonymity of a person making an allegation is to be protected. In every case the individual shall be asked if anonymity is desired. A clear record should be maintained for the files to preclude later misunderstandings. A Confidentiality Agreement (see attachment) should be executed with the individual, if necessary and possible.

3. If at any time for any reason confidentiality is breached or jeopardized, the person should be so advised, the reason explained and remedial measures taken, if possible.

Attachment:
Confidentiality Agreement

CONFIDENTIALITY AGREEMENT

I have information that I wish to provide in confidence to the U.S. Nuclear Regulatory Commission (NRC). I request an express pledge of confidentiality as a condition of providing this information to the NRC. I will not provide this information voluntarily to the NRC without such confidentiality being extended to me.

It is my understanding, consistent with its legal obligations, the NRC, by agreeing to this confidentiality will adhere to the following conditions:

(1) The NRC will not identify me by name or personal identifier in any NRC initiated document, conversation, or communication released to the public which relates directly to the information provided by me. I understand the term "public release" to encompass any distribution outside of the NRC with the exception of other public agencies which may require this information in furtherance of their responsibilities under law or public trust.

(2) The NRC will disclose my identity within the NRC only to the extent required for the conduct of NRC related activities.

(3) During the course of the inquiry or investigation the NRC will also make every effort consistent with the investigative needs of the Commission to avoid actions which would clearly be expected to result in the disclosure of my identity to persons subsequently contacted by the NRC. At a later stage I understand that even though the NRC will make every reasonable effort to protect my identity, my identification could be compelled by orders or subpoenas issued by courts of law, hearing boards, or similar legal entities. In such cases, the basis for granting this promise of confidentiality and any other relevant facts will be communicated to the authority ordering the disclosure in an effort to maintain my confidentiality. If this effort proves unsuccessful, a representative of the NRC will attempt to inform me of any such action before disclosing my identity.

I also understand that the NRC will consider me to have waived my right to confidentiality if I take any action that may be reasonably expected to disclose my identity. I further understand that the NRC will consider me to have waived my rights to confidentiality if I provide (or have previously provided) information to any other party that contradicts the information that I provided to the NRC or if circumstances indicate that I am intentionally providing false information to the NRC.

Other Conditions: (if any)

I have read and fully understand the contents of this agreement. I agree with its provisions.

Date

Name:
Address:

Agreed to on behalf of the US Nuclear Regulatory Commission.

Date

Signature
Name:
Title:



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

APR 24 1984

MEMORANDUM FOR: EDO Office Directors
Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: RELEASE OF INFORMATION TO LICENSEES

REFERENCE: Memo, Dircks to Office Directors and Regional
Administrators, "Policy in Regard to Dealing with
Those who Provide Information to the NRC," dated
January 6, 1984

The reference above deals with the general issue of dealing in a prompt and efficient manner with information provided to NRC with due regard for confidentiality of those who provide such information. This memorandum deals with the narrower issue of release of such information to licensees/vendors. In addition to the need for expeditiously resolving any issue related to safety, recent experience has shown that considerable resources are being used to deal with allegations for NTOL plants. The policy set forth in the memo is intended to improve this situation.

The principal guidance on this point is that the licensee/vendor should be advised of potential safety concerns raised by allegations as soon as feasible in order that appropriate review and subsequent action can be taken to protect the health and safety. I expect that once information from allegers is received, and the Office/Region understands the information, that the licensee will be advised specifically by letter of the area of concern and will be requested to address it, subject to further audit by NRC. However, the anonymity of sources should be protected and the effectiveness of investigations/inspections should not be compromised, i.e., premature release should not allow licensees the opportunity to cover up problems or appear to do so.

There are two exceptions to this guidance. The first exception is where we cannot release the information with sufficient detail to be of use to the licensee/vendor without compromising the identity of the confidential source. In such a case release should normally not be made unless the release is necessary to prevent an imminent threat to the public health and safety. I should be consulted in any case where it appears a need to release

the identity of a confidential source. The second exception is where a licensee/vendor could compromise an investigation or inspection because of knowledge gained from the release of information especially if wrongdoing is involved. The Regional Administrator for inspections and the Director of the Office of Investigations for investigations should make the decision of whether or not to release the information to avoid compromising NRC action.

I recognize that when a large number of issues are raised at the same time, as has occurred with several plants as they approach issuance of an OL, the difficulties in executing this policy are enhanced. However, at such a time, the requirement for a licensee to know where his problems lie is also high. We should concentrate on organizing the process in order to deal with these particular situations.

I am requesting that IE incorporate this policy in an appropriate Manual Chapter.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations



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

October 24, 1983

MEMORANDUM FOR: Office Directors and Regional Administrators

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: PROCEDURES IN DEALING WITH FBI/DEPARTMENT OF JUSTICE

The following procedures apply effective this date:

A. Special Functional Areas:

1. Contacts with FBI in regard to security matters - including background investigations and internal security activities - will be handled by the Division of Security direct with FBI. NRC personnel, when contacted by FBI personnel on background investigations for security clearances, need not report such contacts; contacts made in regard to internal security matters should be reported to the Division of Security.
2. Contacts with FBI in regard to threat assessment, contingency response planning and other matters covered in the NRC/FBI "Memorandum of Understanding for Cooperation Regarding Threat, Theft or Sabotage in the Nuclear Industry" will be handled by NMSS according to their standard procedures.
3. Contacts by and with Regional Administrators in regard to general NRC matters of coordination, such as status reports, with FBI Regional offices and other law enforcement agencies need not be reported unless substantive matters are discussed. If substantive matters are discussed, the provisions of paragraph B will apply.

B. Receipt of information - whether by telephone, visit or in writing - from law enforcement agencies on all matters other than those listed in paragraph A will be handled as follows:

1. Regions: All contacts will be referred to the OI Regional Field Office which will in turn advise OI Headquarters of the nature of the contact as appropriate.

2. Headquarters Offices: Contacts will be referred to OI (Contact: Division of Field Operations, Telephone: 27246). OI will consult with EDO as necessary and advise the caller of the appropriate NRC contact(s). Contacts will then be advised to respond to queries.
3. OI will be responsible to determine the nature of the FBI/DOJ contact and, where appropriate, advise staff of investigations which relate to matters of health and safety and OIA of matters touching upon the conduct of NRC employees or contractors. Due regard will be paid to the sensitivity of the information.

C. Referral of information to DOJ/FBI will be handled as follows:

1. OIA will be the single point of contact for referral to DOJ/FBI of information touching upon the conduct of NRC employees or contractors.
2. OI will be the single point of contact for referral to DOJ/FBI of information touching upon the conduct of licensees, applicants, vendors or their contractors.

Offices and Regions will assure that this policy reaches and is understood by all employees of the agency.

(Signed) William J. Dircks

William J. Dircks
Executive Director
for Operations

Sample Blue Bag and Messenger/Courier Receipt

NRC FORM 234 (6-76)		U.S. NUCLEAR REGULATORY COMMISSION BLUE BAG MAIL SERVICE	
Complete this Portion and Give to Mail Person with Material Being Mailed.			
TO:	SENT		
	DATE		
	TIME		
FROM:	RECEIVED		
	DATE		
	TIME		
	BY: (Signature)		

BLUE BAG MAIL SENDER'S RECEIPT	
SENT	
DATE	TIME
BY:	
TO:	

Detach and Retain Completed Stub for Record

DO NOT KEEP BLUE BAG - Return it to the Mail Person

NRC FORM 234 (6-76)

U. S. GOVERNMENT PRINTING OFFICE: 1980-219-288

NRC FORM 233 (4-80) NRCM 1-81	U.S. NUCLEAR REGULATORY COMMISSION MESSENGER/COURIER RECEIPT		DATE SENT	CONTROL NO. 45896
	TO:	ORGAN, SYMBOL	BUILDING	ROOM NO.
FROM:	ORGAN, SYMBOL	BUILDING	ROOM NO.	
UNCLASSIFIED DESCRIPTION	MESSENGER'S/COURIER SIGNATURE		DATE	
	MESSENGER/COURIER			
	MESSENGER/COURIER			
	MESSENGER/COURIER			
SENDER: 1. Complete "DATE SENT," "TO," "FROM," and "UNCLASSIFIED DESCRIPTION" blocks. 2. Obtain MESSENGER/COURIER signature in first space provided. 3. Retain "SENDER'S SUSPENSE COPY." MESSENGER: 1. Deliver package to recipient or next messenger enroute to address. 2. Obtain signature before release of package. RECIPIENT: 1. Sign and date original in "RECIPIENT'S SIGNATURE," and "DATE" blocks. 2. Retain "RECIPIENT'S COPY." 3. Return original to sender immediately.	RECIPIENT'S SIGNATURE		DATE	

RECIPIENT - RETURN THIS COPY TO SENDER

CLASSIFIED DOCUMENT RECEIPT

TO	POSTAL NUMBER
	DATE MAILED
	INSTRUCTIONS 1. Verify addressee's classified mailing address 2. Describe document by subject or title and originator. List Secret and accountable Confidential enclosures. Indicate type of document e.g. Ltr., Rpt., or Dwg. 3. Show classification and extra markings 4. Forward original and duplicate to addressee. 5. Retain copy pending return of signed original by addressee.
FROM	

DESCRIPTION (MUST BE UNCLASSIFIED)	DOCUMENT NUMBER (IF NUMBERED)	DATE OF DOCUMENT	COPY NUMBER AND SERIES	CLASSIFICATION

TO AVOID TRACER ACTION PLEASE SIGN AND RETURN THIS RECEIPT TO SENDER IMMEDIATELY.

I have received the document(s) listed above and assume responsibility for safeguarding in accordance with security regulations.

Signature of addressee or name of addressee and signature of recipient _____

Date _____

Received for addressee by _____
(to be used only by mail rooms)

Date _____