



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

CRRG-29

FEB 18 1987

MEMORANDUM FOR: Guy Arlotto, Chairman  
Comanche Peak Report Review Group

FROM: James H. Sniezek  
Deputy Executive Director  
Regional Operations and Generic Requirements

SUBJECT: NPC POLICY AND PROCEDURES FOR PROCESSING INSPECTION  
FINDINGS

In response to John Davis' letter to me of February 9, 1987, same subject as above, the following documents may have some bearing on your review of policy and guidance on control and processing of inspection and enforcement findings:

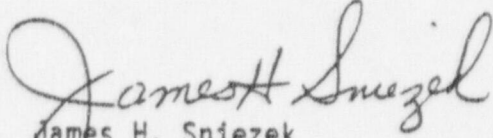
1. EDO policy statement on the distribution of draft inspection and investigation reports dated October 7, 1983.
2. EDO policy statement on control of NRC reports and other documents dated December 3, 1984.
3. Region IV memorandum to EDO on policy for control of NRC reports and other documents, dated January 2, 1985.
4. EDO memorandum of April 23, 1985 to Region IV providing comments on reference number 3 above.
5. IE memorandum to EDO, ADM and Regional Administrators on control of inspection and enforcement documents, dated February 10, 1986.
6. EDO memorandum of February 19, 1986, to IE providing comments on IE memorandum of February 10, 1986, copies also provided to Regional Administrators, reference number 5 above.
7. IE Manual Chapter 0620, Control of Inspection and Enforcement Documents.
8. EDO memorandum of February 6, 1987 to IE providing comments on draft IE Manual Chapter 0612, Resolution of Difference of Opinion about Inspection Findings.

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Copies of the above listed documents are enclosed. If you have any questions concerning these documents, please contact Bill Brach, 492-4359.

  
James H. Sniezek  
Deputy Executive Director  
Regional Operations and Generic  
Requirements

Enclosures: As stated

cc w/encl:  
V. Stello  
R. Erickson



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

CFR 6-29 (2)

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

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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.

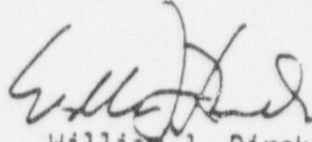
It is important to realize that OI is required by Commission directives to inform Regional Administrators of safety and security issues as they are developed in the course of an investigation. Regional Administrators shall act on this information in accordance with the policies set forth above for the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



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

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.

A handwritten signature in cursive script, appearing to read "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

~~84-213-229~~ KA

## 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.