



The NRC Allegation and Enforcement Program Initiatives

Office of Enforcement
January 19, 2010

Agenda

- Opening Remarks – Bill Borchardt, Executive Director for Operations
- Briefing overview – Roy Zimmerman, Director, Office of Enforcement
- Enhancements to Allegation Program – Lisamarie Jarriel, Agency Allegation Advisor
- Status of ADR – Shahram Ghasemian, Senior Enforcement Advisor
- Proposed revisions to Enforcement Policy – Doug Starkey, Senior Enforcement Specialist

Enhancements to Allegation Program

- March 2007 Peach Bottom Allegation
 - Security officers sleeping on duty
 - Alleger requested no further contact
 - Licensee evaluation per NRC request; not substantiated
 - NRC independent evaluation; not substantiated

Enhancements to Allegation Program

- September 2007 Video Evidence
 - White finding; Civil Penalty

Lessons Learned

- Event Reviews/Recommendations
 - Staff reviews
 - Management review
 - Inspector General review
- Commission Approved
- Interim Guidance Issued
- Public Workshop

Lessons Learned

- Encourage Continued Allegor Involvement
- Provide Sufficient Detail to Licensee, if appropriate

Lessons Learned

- Inform Inspection Scope with Allegation Information
- Conduct Thorough Licensee Evaluation and NRC Assessment

Significant Enhancements

- Reaffirmed Policy of Engaging Licensees in Allegation Process
 - For overriding safety issues and whenever possible and appropriate
 - Considering inhibiting conditions
 - NRC Verification/Validation
 - Contributes to safe operation and understanding of safety culture

Significant Enhancements

- Allegation Terminology
 - “Referral” vs. “Request for Information”
- Inform Inspectors of Open Allegations
 - Resident Inspectors informed of all open allegations; other inspectors informed, as appropriate

Significant Enhancements

- Communicating with the Alleger
 - Contact each allegor, even when no contact requested
 - Inform allegors of Caller ID
 - Encourage more dialogue
 - Clearly document NRC's verification of licensee evaluation and NRC's conclusions
 - Conduct senior management review of allegor concerns after closure

Significant Enhancements

- Communicating with the Licensee
 - To ensure understanding of:
 - Scope of concerns; staff expectations for follow-up; licensee's evaluation plans
 - Licensee document basis for evaluation scope/conclusions
 - NRC inform licensees of any identified response inadequacies

Significant Enhancements

- Communicating with the Public
 - Consider more public discussion of allegation-related information
 - Announcing inspections
 - Publishing results
 - Consider allegeder's position/protect identity
 - Clearly indicate reason for public dissemination

Significant Enhancements

- NRC Process Tools
 - Request of Information Worksheet
 - Considers inhibiting conditions; allegation trends; inspection history
 - Evaluation Checklist
 - Includes guidance for independent verification/validation

Next Steps

- Plan to issue final guidance by February 1, 2010
- Guidance will be incorporated into MD 8.8 and Manual
- Staff will seek Commission review and approval of the MD

ADR Program - Background

- In 2001, the NRC publically announced its intent to evaluate the use of ADR in its enforcement program
- Significant public and internal stakeholder involvement re: whether to establish an ADR program

ADR Program - Background

- In 2003, the Commission approved the development of the pilot ADR program
- Significant public and internal stakeholder involvement in the formulation of the pilot ADR program

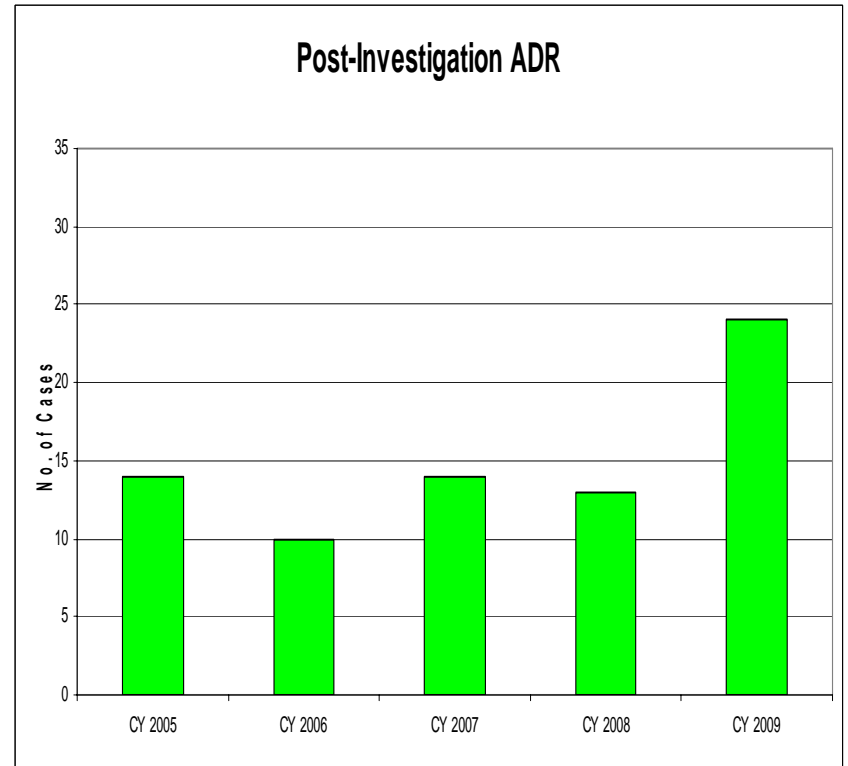
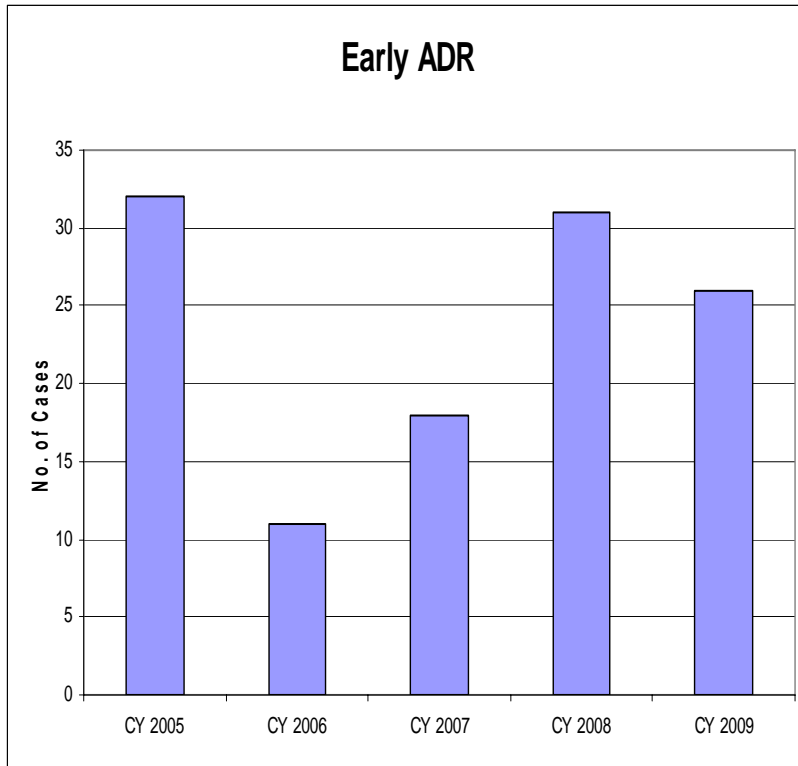
ADR Program - Background

- In 2004, the NRC established the pilot ADR program; comprised of two entirely different parts
 - Early ADR (including Licensee Sponsored ADR)
 - Post-Investigation ADR
- Participation is voluntary

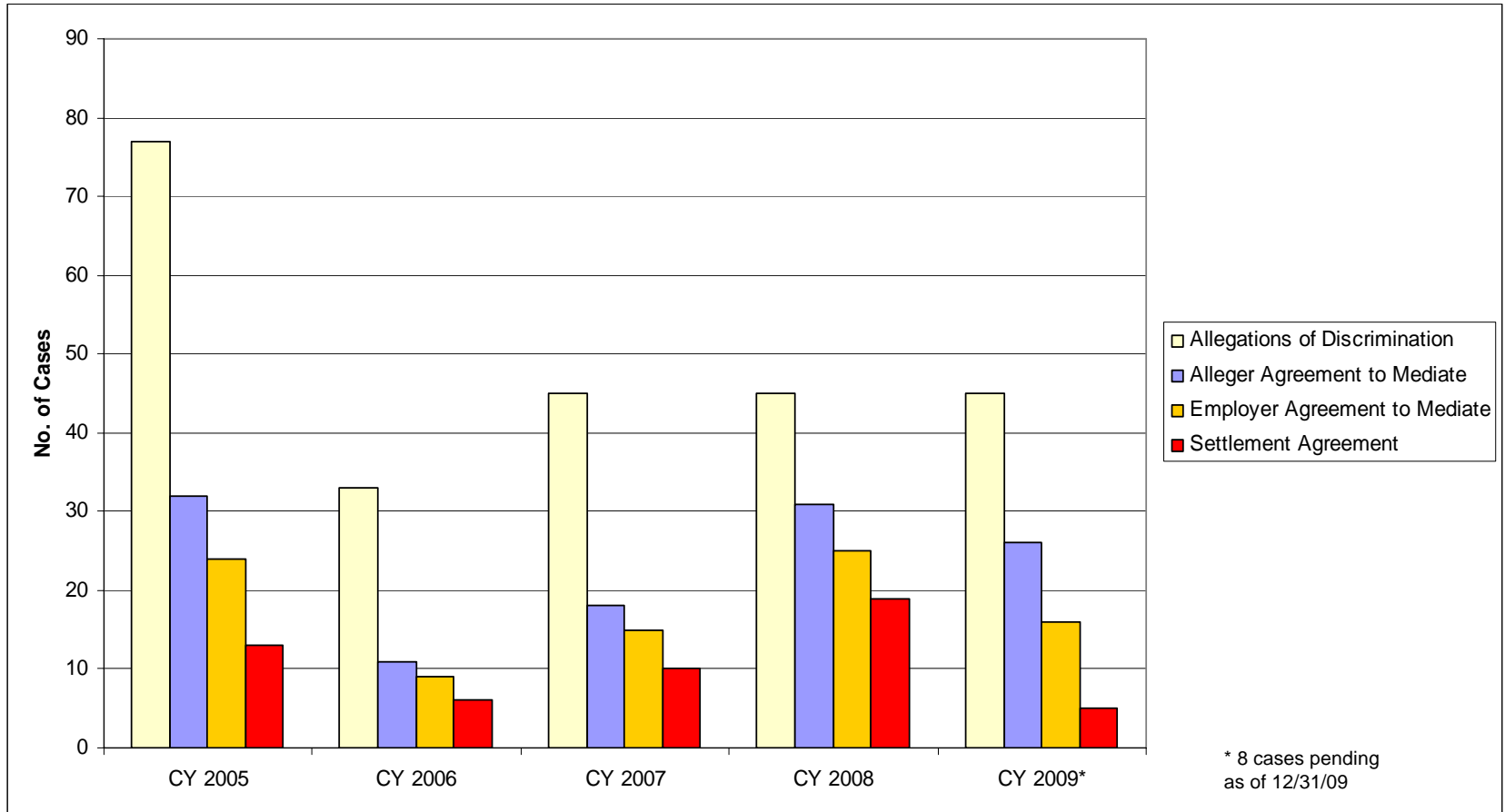
ADR Program

- Early ADR
 - Minimizes potential SCWE issues caused by the dispute
 - More timely resolution of the dispute
 - Less resource intensive
- Post-Investigation ADR
 - Broader or more comprehensive corrective actions

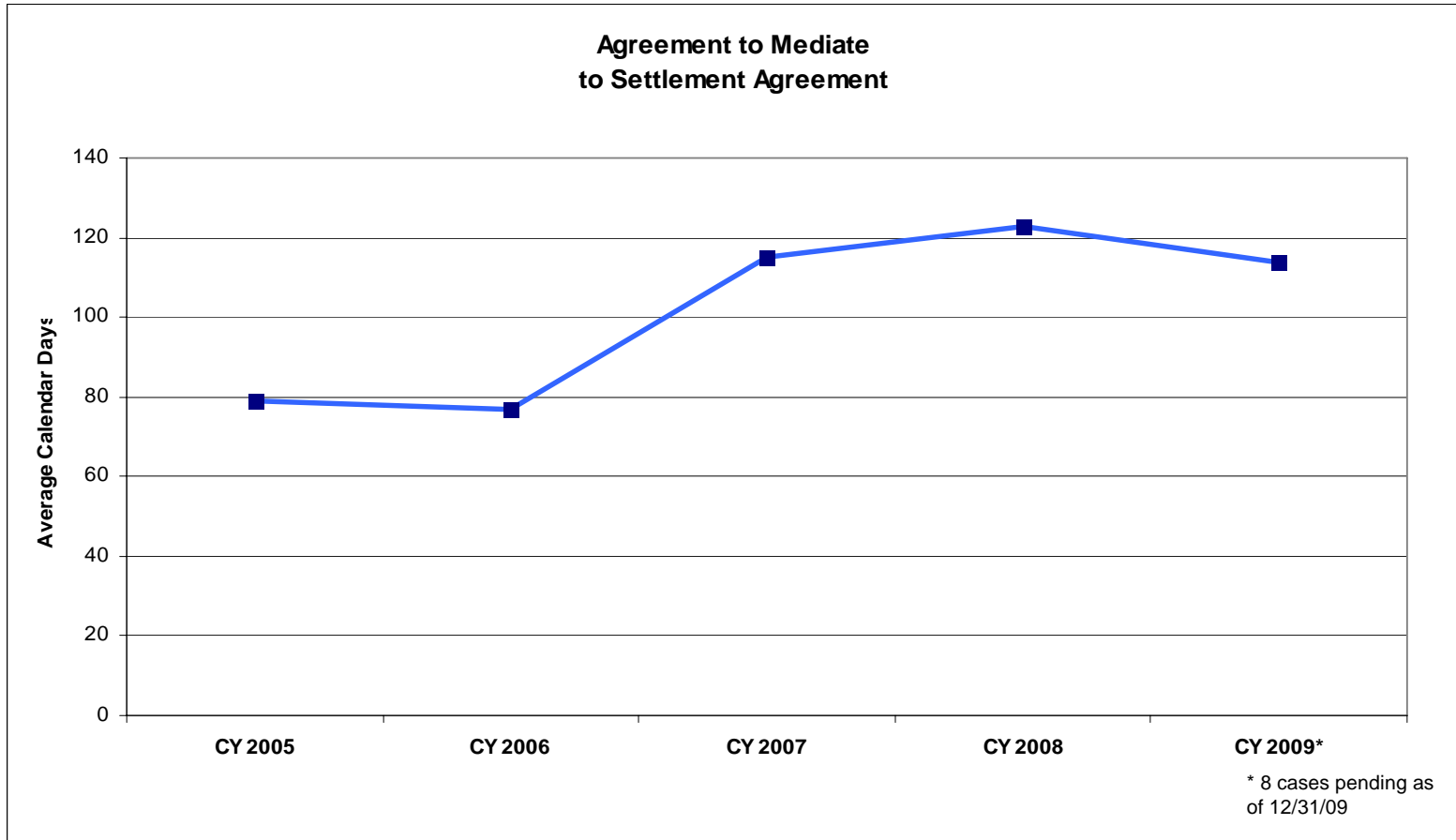
ADR Cases Opened



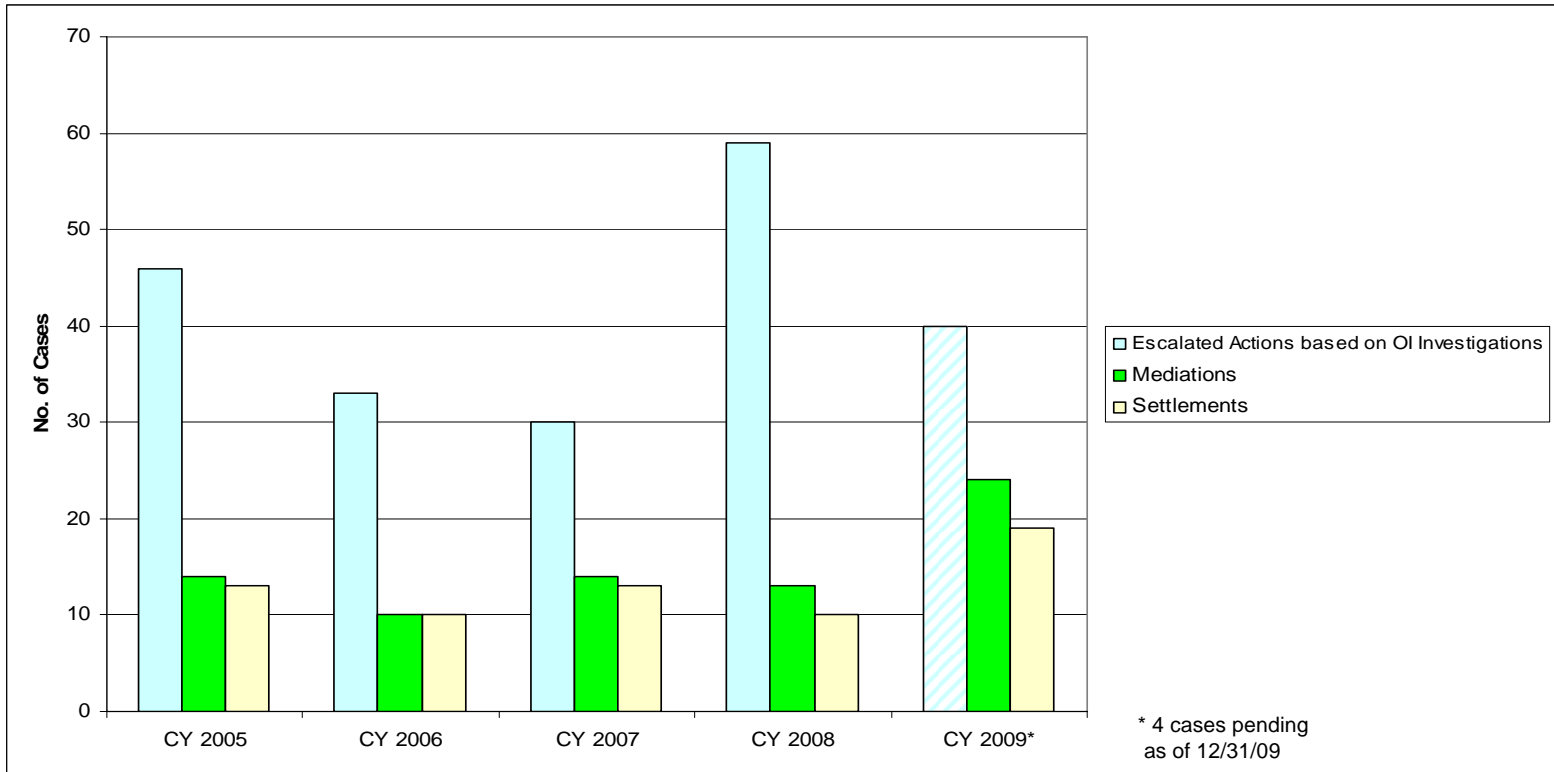
Early ADR Use Trend



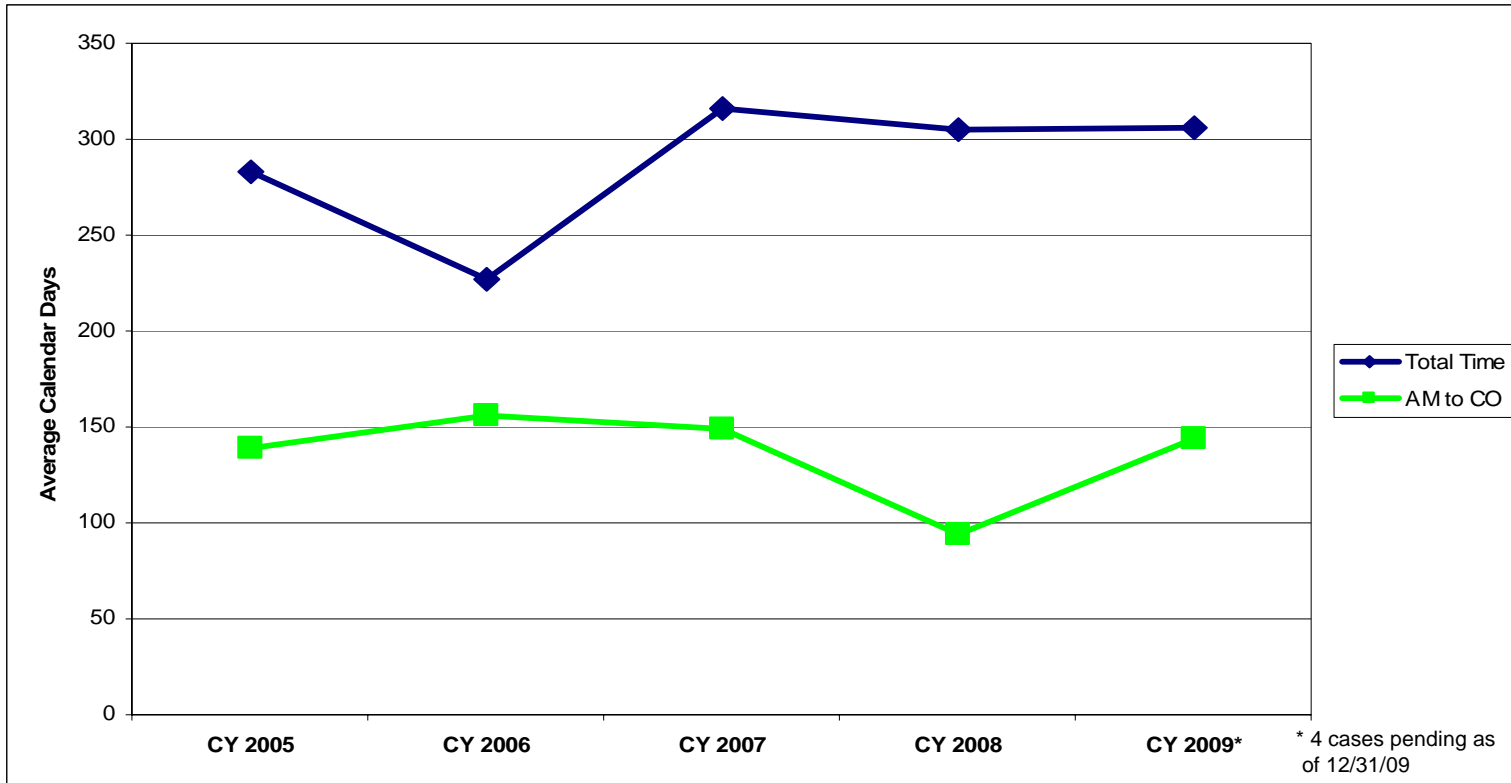
Early ADR Timeliness



Post-Investigation ADR Use Trend



Post-Investigation ADR Timeliness



CY 2010 ADR Program Initiatives

- Enhance public and internal websites
- Enhance program controls
- Focus on improving timeliness

Proposed Enforcement Policy Revision Purpose

- To add new guidance based on changes in regulations
- To add guidance on issues not directly addressed in current Policy

Proposed Enforcement Policy Revision Purpose

- To clarify the use of terms
- To remove/update outdated guidance

Public Involvement in Enforcement Policy Revision

- Staff solicited public comments via Federal Register Notices
- Public meetings held by two program offices

Public Involvement in Enforcement Policy Revision

- Staff to provide another public comment period 18 months after effective date of revised Policy

Significant Changes to Enforcement Policy

- Increases the number of activity areas containing violation examples
- Adds base civil penalty for Uranium Enrichment Facilities and High Level Waste Repository

Significant Changes to Enforcement Policy

- Increases base civil penalty for Uranium Conversion Facilities

Usability Improvements to Enforcement Policy

- Usability improves by:
 - Reorganizing and reformatting entire document
 - Enhancing the Table of Contents
 - Adding a Glossary

Table of Acronyms

ADR – Alternative Dispute
Resolution

AM – Agreement to Mediate

CO – Confirmatory Order

CY – Calendar Year

MD – Management Directive

SCWE – Safety Conscious Work
Environment