July 30, 2008

MEMORANDUM TO: Those on Attached List

FROM: Frederick D. Brown, Director /***RA***/
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: INTERIM GUIDANCE FOR TRACKING AND FOLLOW-UP OF ALTERNATE DISPUTE RESOLUTION CONFIRMATORY ORDERS

The purpose of this memorandum is to provide interim reactor inspection program office guidance on follow-up and tracking of Alternate Dispute Resolution (ADR) Confirmatory Order items. An audit performed by the Inspector General (IG) of the Office of Enforcement and the ADR program resulted in several recommendations related to the implementation of the ADR program. Each of the Regions concurred in and has received Enforcement Guidance Memorandum-04-004, Revision 1, Supplement 1, (ML081130140) which provided interim ADR program guidance from the Office of Enforcement.

Successfully addressing the IG recommendations also requires that the Office of Nuclear Reactor Regulation (NRR) provide the Regions with guidance on how to inspect, track, and close out items from ADR Confirmatory Orders. Our first step to address the IG recommendation was completed in January, 2008, when Inspection Procedure (IP) 92702, "Follow-up on Traditional Enforcement Actions including Violations, Deviations, Confirmatory Action Letters, Confirmatory Orders and Alternate Dispute Resolution Confirmatory Orders," was revised to incorporate references to ADR and was reissued. IP92702 is an IMC-2515, Appendix C procedure.

Further action will be taken over the next few months to ensure that directions for all aspects of ADR tracking and closeout are integrated into inspection program guidance. Regions should use the guidance provided below upon receipt of this memorandum until appropriate permanent program changes are made.

1. Each item in an ADR Order will be documented and tracked in the Reactor Program System (RPS).

IP 92702 Section 02.03, Documentation, specifies that inspection results should be captured in section 4OA5 of the inspection report. It also contains a statement that items can be tracked using RPS/IR. While the use of RPS is not stated as a requirement, it should be interpreted as one. That is, all regions must use RPS/IR to

CONTACT: Mary Ann M. Ashley, DIRS/NRR
301 – 415-1073

track the inspection of ADR order requirements. Enclosure 1 to this memorandum describes the appropriate coding of ADR order items in RPS to ensure a consistent approach among the regions.

2. The timing and scope of ADR follow-up and inspection is to be determined by the Region.

Section 02.01 of IP 92702 provides latitude as to when to follow-up. Follow-up can wait until all actions are complete or it can be done as individual items are completed. As always, when inspecting, inspectors should use their discretion and should use sampling to perform sufficient field verification to gain assurance that the requirements of the order have been appropriately implemented.

For those instances when the order is directed to an individual or a contractor, who are not normally the subject of inspections, and where the ADR order item refers to an item (such as an article written for publication) that must be submitted to the NRC to prove completion, the follow-up may consist of reviewing the item to ensure that it meets the ADR order and then placing the incoming item in ADAMS with a memorandum to file documenting the review and successful completion of the item. The item can be closed by referencing the ADAMS accession number.

Additional guidance will be provided for disposition of those cases where the nature of an order item makes inspection or follow-up impossible (for example, a commitment on the part of an individual to complete paperwork accurately in the future).

3. All ADR Confirmatory Orders receiving inspection must receive follow-up using IP 92702.

IP 92702 contains the following statement: "Because of their importance, follow-up will be performed for all traditional enforcement for willful violations and for all ADR Confirmatory Orders." The procedure is associated with PA 122-142, Plant Specific Inspections.

IP 71152, the PI&R inspection procedure, should not be used for ADR items. Although the scope of IP 71152 does not preclude its use for ADR follow-up, using it for ADR items could cause that inspection, at least in part, to be narrowly focused at the expense of the baseline effort. However, Regions may conduct IP 71152 and IP 92702 in parallel - as long as tracking of ADR items is handled in accordance with this interim guidance.

In addition, based on feedback from the regions, we will forward the following policy issues to the Office of Enforcement for resolution. When these issues have been resolved, additional permanent guidance will be provided to the regions.

- Expectations for closing orders including methods of informing the individuals or licensees when all items of the order have been closed.

- Description of the regional roles and responsibilities associated with the tracking, follow-up, and closeout of an individual ADR confirmatory order involving an individual who can no longer be located.

- Description of the expected follow-up actions and notifications to be completed by the regions if a licensee or an individual does not complete the actions required by the settlement agreement by the required date or at all.

- Directions for closure of order items that can not be inspected, such as a commitment to complete questionnaires and documents accurately and completely in the future.

Please contact Mary Ann Ashley, NRR Enforcement Coordinator, 301-415-1073, with any questions you may have on the implementing guidance contained in this memorandum.

Enclosure: RPS Guidance for
Tracking ADR Order
Requirements

- Description of the expected follow-up actions and notifications to be completed by the regions if a licensee or an individual does not complete the actions required by the settlement agreement by the required date or at all.

- Directions for closure of order items that can not be inspected, such as a commitment to complete questionnaires and documents accurately and completely in the future.

Please contact Mary Ann Ashley, NRR Enforcement Coordinator, 301-415-1073, with any questions you may have on the implementing guidance contained in this memorandum.

Enclosure: RPS Guidance for
Tracking ADR Order
Requirements

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ADAMS Accession Number: ML082060675

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DATE	07/ 25 /08	07/ 29 /08	07/ 30 /08

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Memorandum From: F. Brown Dated: July 30, 2008

SUBJECT: INTERIM GUIDANCE FOR TRACKING AND FOLLOW-UP OF ALTERNATE DISPUTE RESOLUTION CONFIRMATORY ORDERS

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Division of Reactor Safety, RIV

RPS GUIDANCE FOR TRACKING ADR ORDER REQUIREMENTS

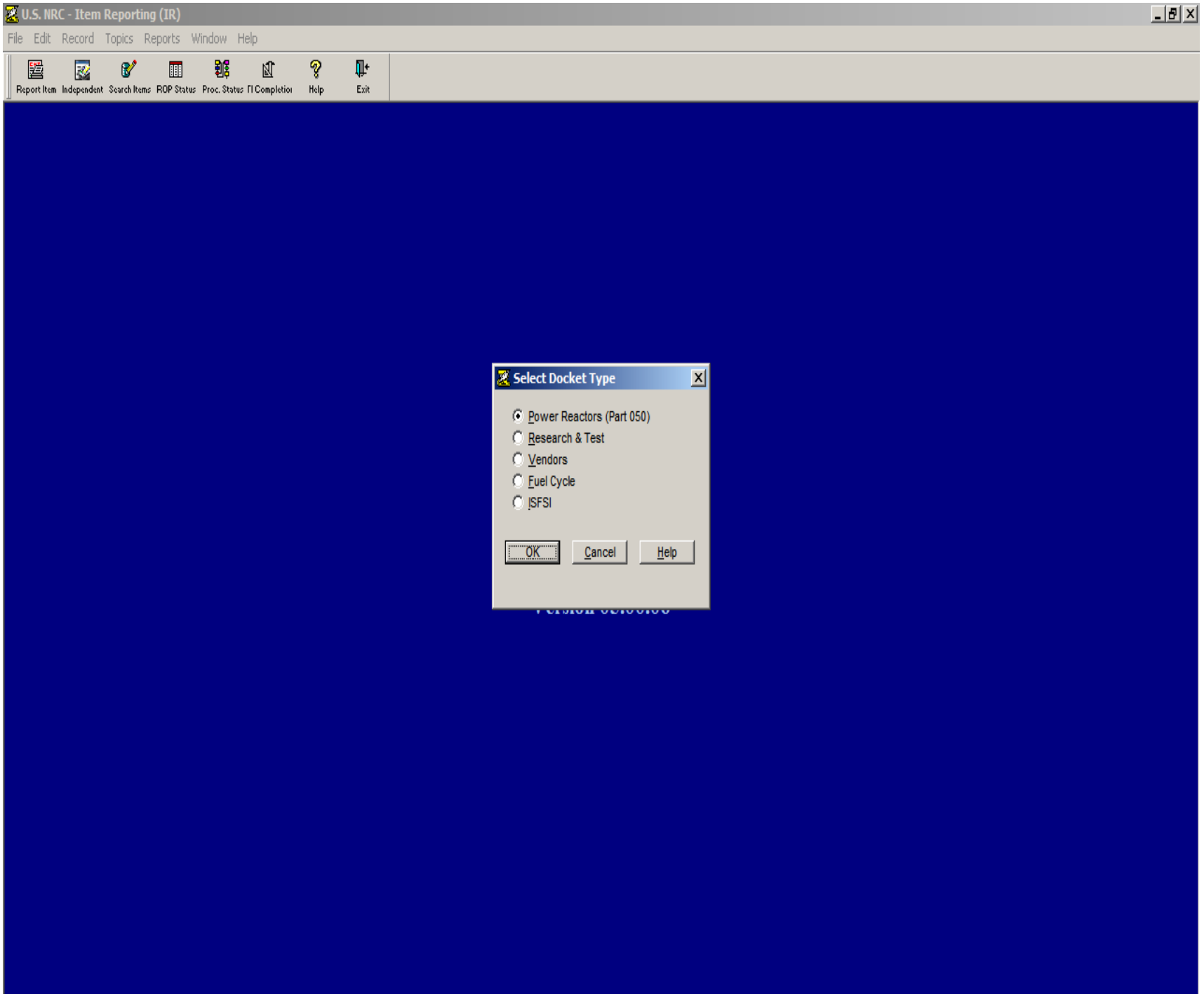
July 29, 2008

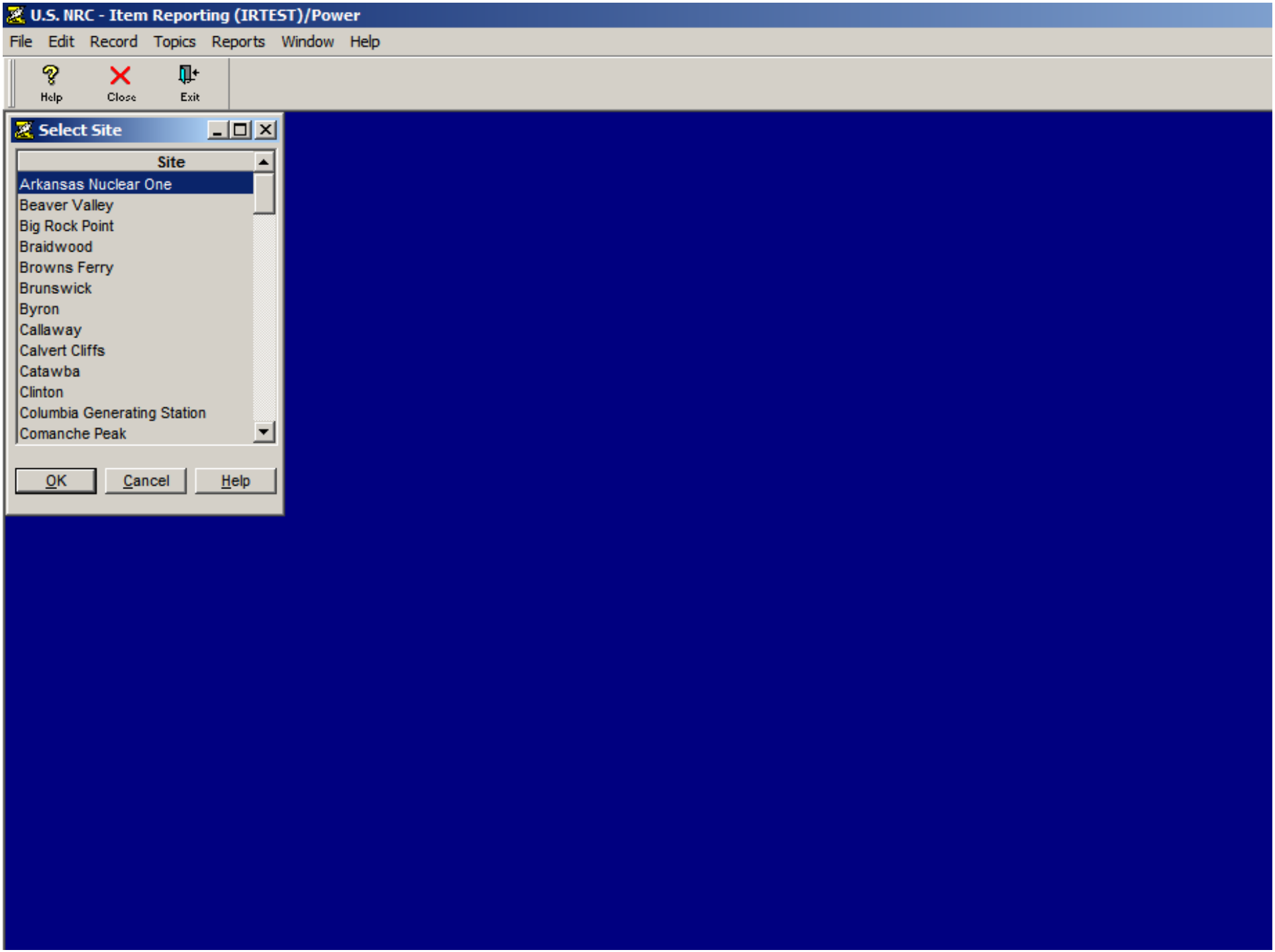
Entering ADR Order Requirements into RPS

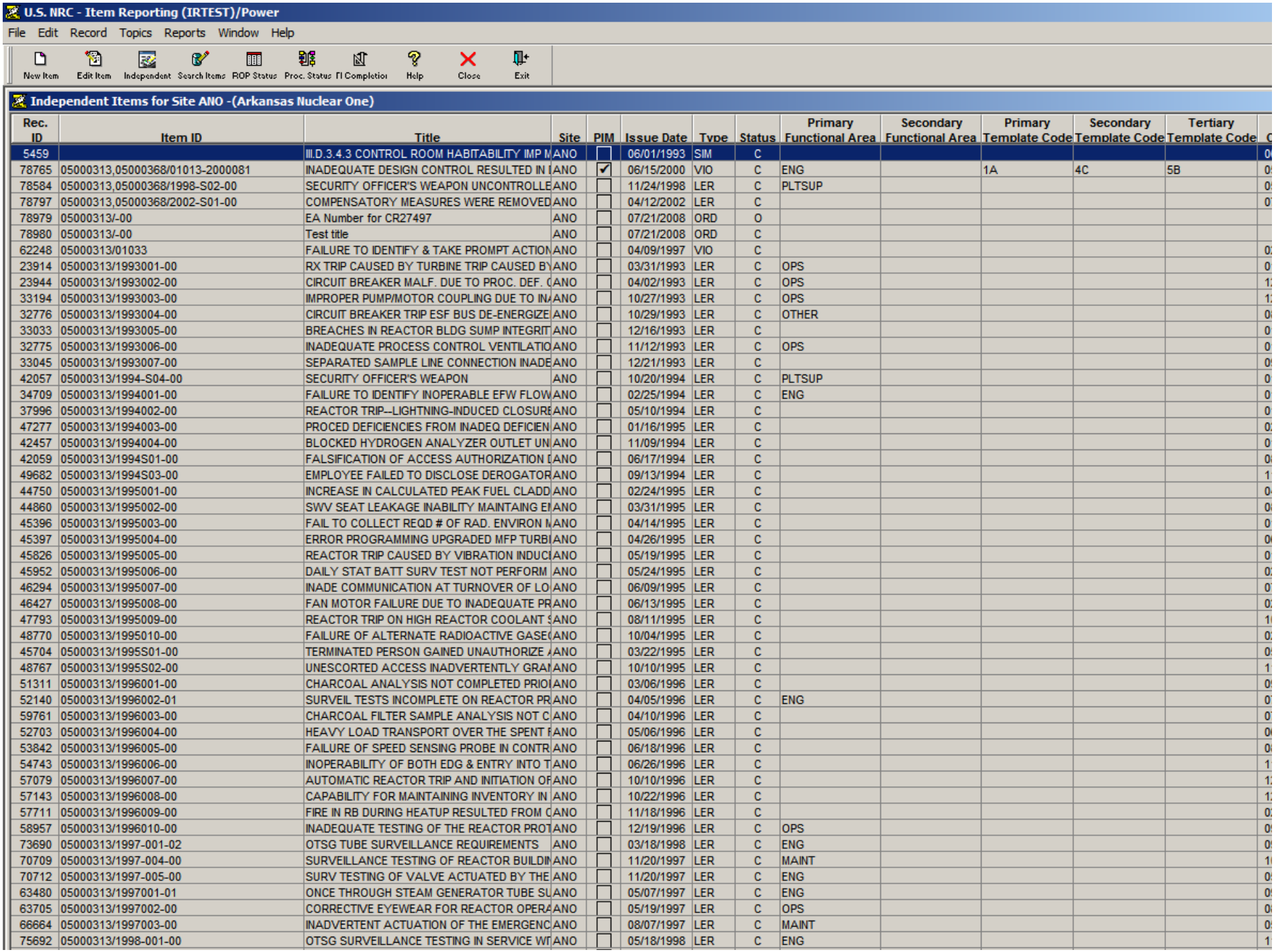
1. In the IR module of RPS, select *Power reactors* and then select *Independent* from the options listed across the top of the screen. (page 2)
2. Select the *Site* (page 3). If the order is for a non-licensed individual or a contractor is working or worked for the utility, select the site at which the violation occurred.
3. Select *New Item* from the options listed across the top of the screen. (page 4)
4. On the General tab, select *Order Requirement* in the Type field. (page 5)
5. In the Title field enter information about a single item from an ADR order. (page 5) The field is limited to 256 characters. Use the following rules when entering information into the Title field to ensure appropriate information is captured in the limited space:
    - Enter the date of the order. Recommend that a format of dd/mm/yy be used to conserve space.
    - Enter the enforcement action number using the format EA-yyyy-nnn. RPS is currently be modified to reactivate the existing EA field as shown on the screen. Making the EA number part of the Title is only needed until the EA field can be used.
    - If the order was issued to an individual, type the word 'Individual'.
    - Enter the item number from the order.
    - If desired, keywords from the item can also be captured in the title field.

Obtaining RPS Report on ADR Order Requirements

1. In the reports module of RPS, select *IR, Power Reactors, Non-ROP Items, and 1.Item List.* (page 6)
2. After selecting the appropriate Site, ensure that only *Other* is checked in the Type box, then, select *ORD – Order Requirement* from the drop down list (page 7)
3. An example of an Item List Report showing order items. (page 8)


U.S. NRC - Item Reporting (IR)
File Edit Record Topics Reports Window Help
Report Item
Independent
Search Items
ROP Status
Proc. Status
FI Completion
Help
Exit
Select Docket Type
Power Reactors (Part 050)
Research & Test
Vendors
Fuel Cycle
ISFSI
OK
Cancel
Help


U.S. NRC - Item Reporting (IRTEST)/Power
File Edit Record Topics Reports Window Help
Help
Close
Exit
Select Site
Site
Arkansas Nuclear One
Beaver Valley
Big Rock Point
Braidwood
Browns Ferry
Brunswick
Byron
Callaway
Calvert Cliffs
Catawba
Clinton
Columbia Generating Station
Comanche Peak
OK
Cancel
Help



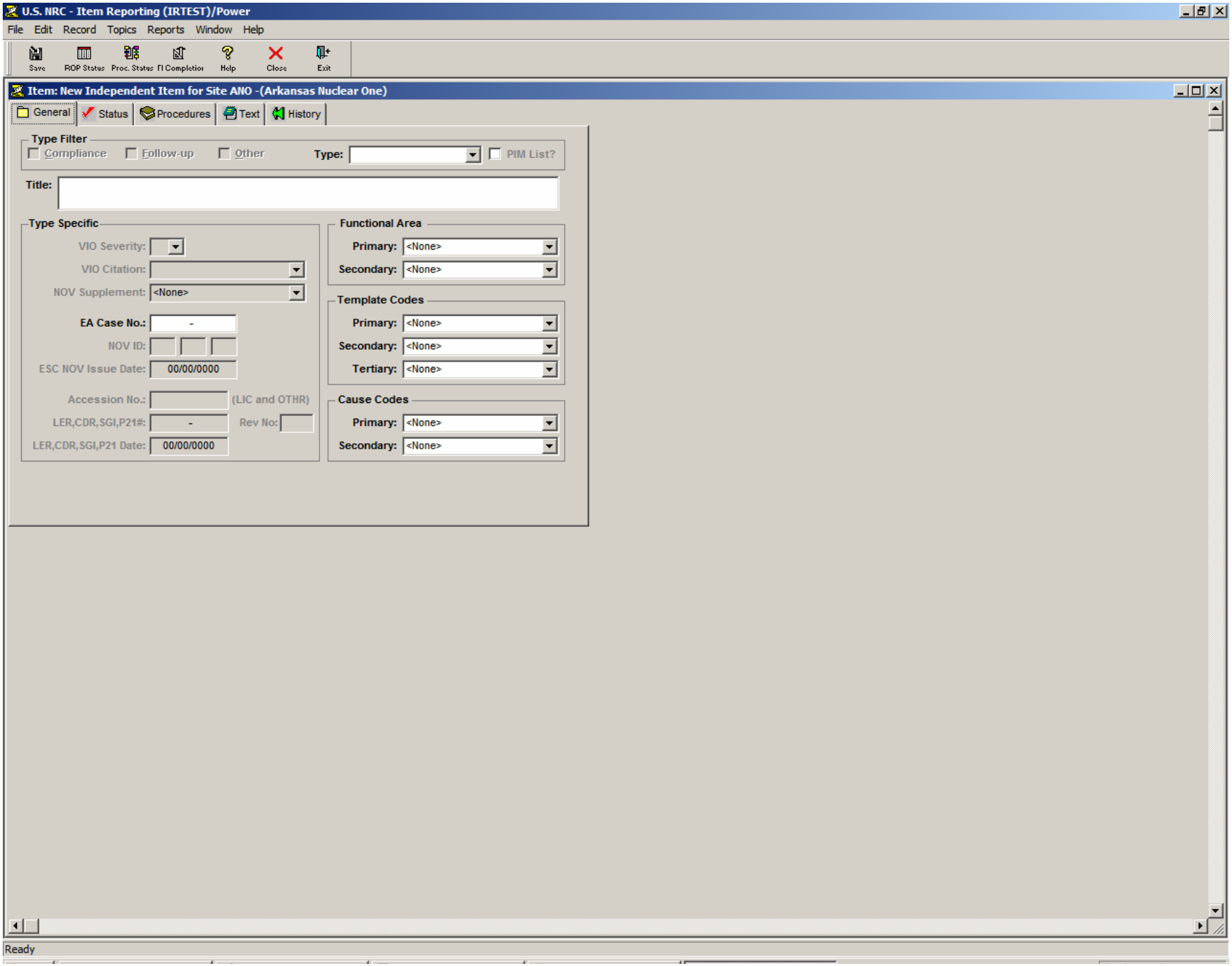
U.S. NRC - Item Reporting (IRTEST)/Power

File Edit Record Topics Reports Window Help

New Item | Edit Item | Independent | Search Items | ROP Status | Proc. Status | FI Completion | Help | Close | Exit

Independent Items for Site ANO -(Arkansas Nuclear One)

Rec. ID	Item ID	Title	Site	PIM	Issue Date	Type	Status	Primary Functional Area	Secondary Functional Area	Primary Template Code	Secondary Template Code	Tertiary Template Code	C
5459		III.D.3.4.3 CONTROL ROOM HABITABILITY IMP M	ANO	☐	06/01/1993	SIM	C						0
78765	05000313,05000368/01013-2000081	INADEQUATE DESIGN CONTROL RESULTED IN I	ANO	☑	06/15/2000	VIO	C	ENG		1A	4C	5B	0
78584	05000313,05000368/1998-S02-00	SECURITY OFFICER'S WEAPON UNCONTROLLE	ANO	☐	11/24/1998	LER	C	PLTSUP					0
78797	05000313,05000368/2002-S01-00	COMPENSATORY MEASURES WERE REMOVED	ANO	☐	04/12/2002	LER	C						0
78979	05000313/-00	EA Number for CR27497	ANO	☐	07/21/2008	ORD	O						
78980	05000313/-00	Test title	ANO	☐	07/21/2008	ORD	C						
62248	05000313/01033	FAILURE TO IDENTIFY & TAKE PROMPT ACTION	ANO	☐	04/09/1997	VIO	C						0
23914	05000313/1993001-00	RX TRIP CAUSED BY TURBINE TRIP CAUSED BY	ANO	☐	03/31/1993	LER	C	OPS					0
23944	05000313/1993002-00	CIRCUIT BREAKER MALF. DUE TO PROC. DEF. C	ANO	☐	04/02/1993	LER	C	OPS					1
33194	05000313/1993003-00	IMPROPER PUMP/MOTOR COUPLING DUE TO INA	ANO	☐	10/27/1993	LER	C	OPS					1
32776	05000313/1993004-00	CIRCUIT BREAKER TRIP ESF BUS DE-ENERGIZE	ANO	☐	10/29/1993	LER	C	OTHER					0
33033	05000313/1993005-00	BREACHES IN REACTOR BLDG SUMP INTEGRIT	ANO	☐	12/16/1993	LER	C						0
32775	05000313/1993006-00	INADEQUATE PROCESS CONTROL VENTILATIO	ANO	☐	11/12/1993	LER	C	OPS					0
33045	05000313/1993007-00	SEPARATED SAMPLE LINE CONNECTION INADE	ANO	☐	12/21/1993	LER	C						0
42057	05000313/1994-S04-00	SECURITY OFFICER'S WEAPON	ANO	☐	10/20/1994	LER	C	PLTSUP					0
34709	05000313/1994001-00	FAILURE TO IDENTIFY INOPERABLE EFW FLOW	ANO	☐	02/25/1994	LER	C	ENG					0
37996	05000313/1994002-00	REACTOR TRIP--LIGHTNING-INDUCED CLOSURE	ANO	☐	05/10/1994	LER	C						0
47277	05000313/1994003-00	PROCED DEFICIENCIES FROM INADEQ DEFICIEN	ANO	☐	01/16/1995	LER	C						0
42457	05000313/1994004-00	BLOCKED HYDROGEN ANALYZER OUTLET UN	ANO	☐	11/09/1994	LER	C						0
42059	05000313/1994S01-00	FALSIFICATION OF ACCESS AUTHORIZATION D	ANO	☐	06/17/1994	LER	C						0
49682	05000313/1994S03-00	EMPLOYEE FAILED TO DISCLOSE DEROGATOR	ANO	☐	09/13/1994	LER	C						1
44750	05000313/1995001-00	INCREASE IN CALCULATED PEAK FUEL CLADD	ANO	☐	02/24/1995	LER	C						0
44860	05000313/1995002-00	SWV SEAT LEAKAGE INABILITY MAINTAING EI	ANO	☐	03/31/1995	LER	C						0
45396	05000313/1995003-00	FAIL TO COLLECT REQD # OF RAD. ENVIRON M	ANO	☐	04/14/1995	LER	C						0
45397	05000313/1995004-00	ERROR PROGRAMMING UPGRADED MFP TURBI	ANO	☐	04/26/1995	LER	C						0
45826	05000313/1995005-00	REACTOR TRIP CAUSED BY VIBRATION INDUCI	ANO	☐	05/19/1995	LER	C						0
45952	05000313/1995006-00	DAILY STAT BATT SURV TEST NOT PERFORM	ANO	☐	05/24/1995	LER	C						0
46294	05000313/1995007-00	INADE COMMUNICATION AT TURNOVER OF LO	ANO	☐	06/09/1995	LER	C						0
46427	05000313/1995008-00	FAN MOTOR FAILURE DUE TO INADEQUATE PR	ANO	☐	06/13/1995	LER	C						0
47793	05000313/1995009-00	REACTOR TRIP ON HIGH REACTOR COOLANT S	ANO	☐	08/11/1995	LER	C						1
48770	05000313/1995010-00	FAILURE OF ALTERNATE RADIOACTIVE GASE	ANO	☐	10/04/1995	LER	C						0
45704	05000313/1995S01-00	TERMINATED PERSON GAINED UNAUTHORIZE A	ANO	☐	03/22/1995	LER	C						0
48767	05000313/1995S02-00	UNESCORTED ACCESS INADVERTENTLY GRAI	ANO	☐	10/10/1995	LER	C						1
51311	05000313/1996001-00	CHARCOAL ANALYSIS NOT COMPLETED PRIO	ANO	☐	03/06/1996	LER	C						0
52140	05000313/1996002-01	SURVEIL TESTS INCOMPLETE ON REACTOR PR	ANO	☐	04/05/1996	LER	C	ENG					0
59761	05000313/1996003-00	CHARCOAL FILTER SAMPLE ANALYSIS NOT C	ANO	☐	04/10/1996	LER	C						0
52703	05000313/1996004-00	HEAVY LOAD TRANSPORT OVER THE SPENT F	ANO	☐	05/06/1996	LER	C						0
53842	05000313/1996005-00	FAILURE OF SPEED SENSING PROBE IN CONTR	ANO	☐	06/18/1996	LER	C						0
54743	05000313/1996006-00	INOPERABILITY OF BOTH EDG & ENTRY INTO T	ANO	☐	06/26/1996	LER	C						1
57079	05000313/1996007-00	AUTOMATIC REACTOR TRIP AND INITIATION OF	ANO	☐	10/10/1996	LER	C						1
57143	05000313/1996008-00	CAPABILITY FOR MAINTAINING INVENTORY IN	ANO	☐	10/22/1996	LER	C						1
57711	05000313/1996009-00	FIRE IN RB DURING HEATUP RESULTED FROM C	ANO	☐	11/18/1996	LER	C						0
58957	05000313/1996010-00	INADEQUATE TESTING OF THE REACTOR PROT	ANO	☐	12/19/1996	LER	C	OPS					0
73690	05000313/1997-001-02	OTSG TUBE SURVEILLANCE REQUIREMENTS	ANO	☐	03/18/1998	LER	C	ENG					0
70709	05000313/1997-004-00	SURVEILLANCE TESTING OF REACTOR BUILDI	ANO	☐	11/20/1997	LER	C	MAINT					1
70712	05000313/1997-005-00	SURV TESTING OF VALVE ACTUATED BY THE	ANO	☐	11/20/1997	LER	C	ENG					0
63480	05000313/1997001-01	ONCE THROUGH STEAM GENERATOR TUBE SU	ANO	☐	05/07/1997	LER	C	ENG					0
63705	05000313/1997002-00	CORRECTIVE EYEWEAR FOR REACTOR OPERA	ANO	☐	05/19/1997	LER	C	OPS					0
66664	05000313/1997003-00	INADVERTENT ACTUATION OF THE EMERGENC	ANO	☐	08/07/1997	LER	C	MAINT					0
75692	05000313/1998-001-00	OTSG SURVEILLANCE TESTING IN SERVICE WI	ANO	☐	05/18/1998	LER	C	ENG					1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Save ROP Status Proc. Status FI Completion Help Close Exit
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General Status Procedures Text History
Type Filter
Compliance Follow-up Other Type: PIM List?
Title:
Type Specific
VIO Severity:
VIO Citation:
NOV Supplement: <None>
EA Case No.: -
NOV ID:
ESC NOV Issue Date: 00/00/0000
Accession No.: (LIC and OTHR)
LER,CDR,SGI,P21#: - Rev No:
LER,CDR,SGI,P21 Date: 00/00/0000
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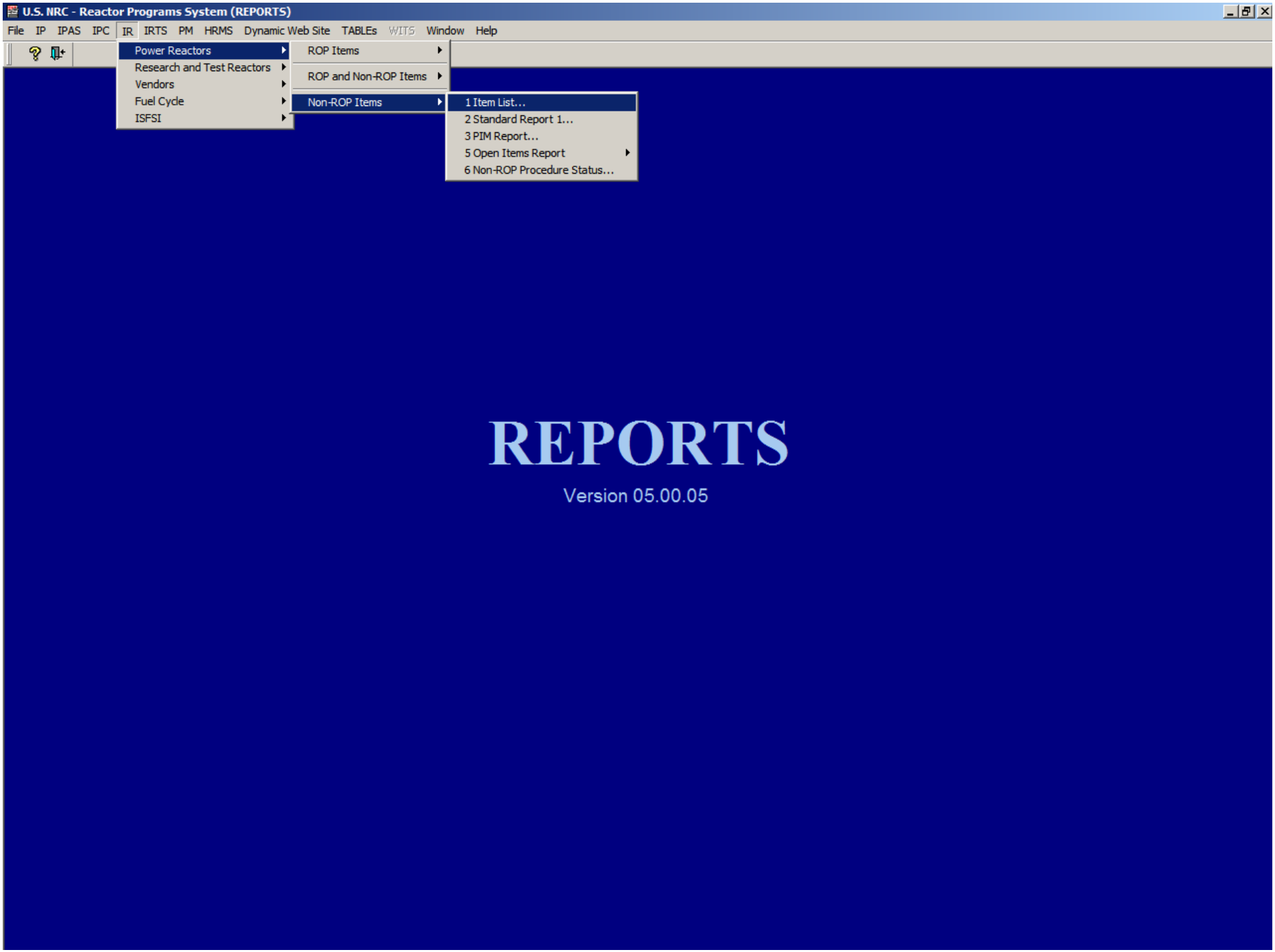
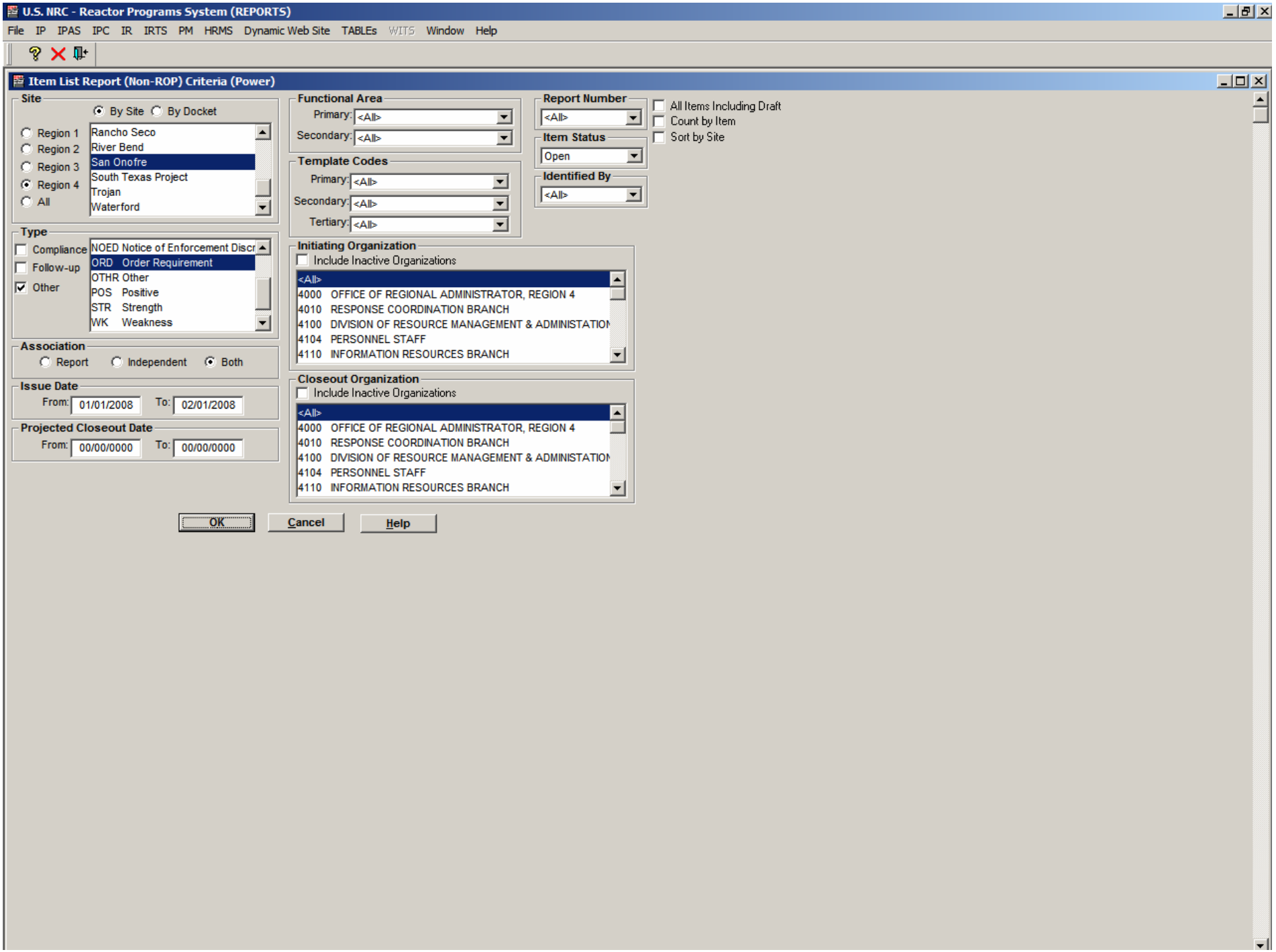

U.S. NRC - Reactor Programs System (REPORTS)
File IP IPAS IPC IR IRTS PM HRMS Dynamic Web Site TABLEs WITS Window Help
Power Reactors
Research and Test Reactors
Vendors
Fuel Cycle
ISFSI
ROP Items
ROP and Non-ROP Items
Non-ROP Items
1 Item List...
2 Standard Report 1...
3 PIM Report...
5 Open Items Report
6 Non-ROP Procedure Status...
REPORTS
Version 05.00.05


U.S. NRC - Reactor Programs System (REPORTS)
File IP IPAS IPC IR IRTS PM HRMS Dynamic Web Site TABLEs WITS Window Help
Item List Report (Non-ROP) Criteria (Power)
Site
By Site By Docket
Region 1
Region 2
Region 3
Region 4
All
Rancho Seco
River Bend
San Onofre
South Texas Project
Trojan
Waterford
Type
Compliance
Follow-up
Other
NOED Notice of Enforcement Discr
ORD Order Requirement
OTHR Other
POS Positive
STR Strength
WK Weakness
Association
Report Independent Both
Issue Date
From: 01/01/2008 To: 02/01/2008
Projected Closeout Date
From: 00/00/0000 To: 00/00/0000
Functional Area
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Secondary: <All>
Template Codes
Primary: <All>
Secondary: <All>
Tertiary: <All>
Initiating Organization
Include Inactive Organizations
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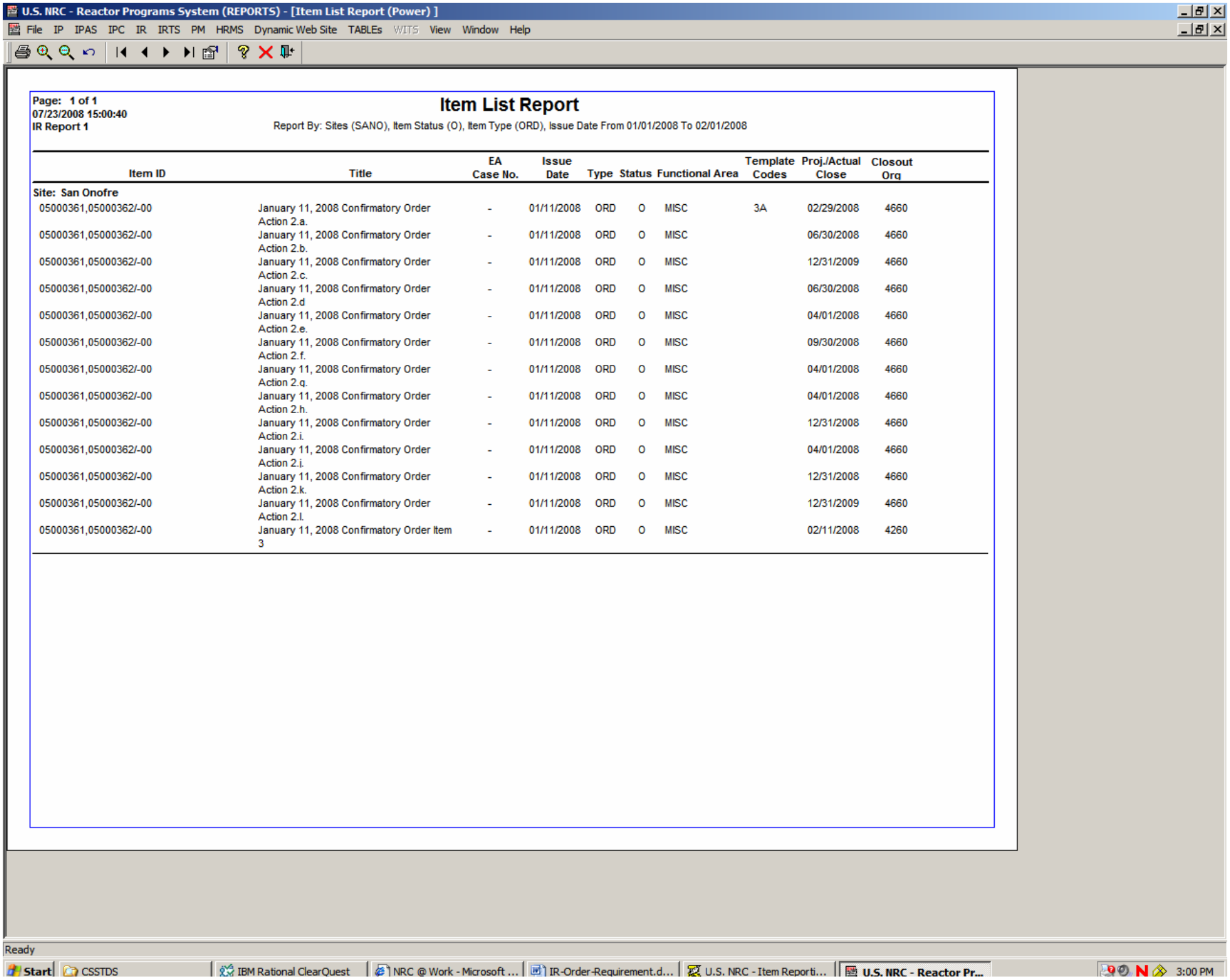
4000 OFFICE OF REGIONAL ADMINISTRATOR, REGION 4
4010 RESPONSE COORDINATION BRANCH
4100 DIVISION OF RESOURCE MANAGEMENT & ADMINISTATION
4104 PERSONNEL STAFF
4110 INFORMATION RESOURCES BRANCH
Closeout Organization
Include Inactive Organizations
<All>
4000 OFFICE OF REGIONAL ADMINISTRATOR, REGION 4
4010 RESPONSE COORDINATION BRANCH
4100 DIVISION OF RESOURCE MANAGEMENT & ADMINISTATION
4104 PERSONNEL STAFF
4110 INFORMATION RESOURCES BRANCH
Report Number
<All>
Item Status
Open
Identified By
<All>
All Items Including Draft
Count by Item
Sort by Site
OK
Cancel
Help



Page: 1 of 1
07/23/2008 15:00:40
IR Report 1

Item List Report

Report By: Sites (SANO), Item Status (O), Item Type (ORD), Issue Date From 01/01/2008 To 02/01/2008

Item ID	Title	EA Case No.	Issue Date	Type	Status	Functional Area	Template Codes	Proj./Actual Close	Closout Org
Site: San Onofre									
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.a.	-	01/11/2008	ORD	O	MISC	3A	02/29/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.b.	-	01/11/2008	ORD	O	MISC		06/30/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.c.	-	01/11/2008	ORD	O	MISC		12/31/2009	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.d	-	01/11/2008	ORD	O	MISC		06/30/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.e.	-	01/11/2008	ORD	O	MISC		04/01/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.f.	-	01/11/2008	ORD	O	MISC		09/30/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.g.	-	01/11/2008	ORD	O	MISC		04/01/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.h.	-	01/11/2008	ORD	O	MISC		04/01/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.i.	-	01/11/2008	ORD	O	MISC		12/31/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.j.	-	01/11/2008	ORD	O	MISC		04/01/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.k.	-	01/11/2008	ORD	O	MISC		12/31/2008	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Action 2.l.	-	01/11/2008	ORD	O	MISC		12/31/2009	4660
05000361,05000362/-00	January 11, 2008 Confirmatory Order Item 3	-	01/11/2008	ORD	O	MISC		02/11/2008	4260