

EDO Principal Correspondence Control

FROM: DUE: 06/05/09  
Stephen D. Dingbaum, OIG

EDO CONTROL: G20080805  
DOC DT: 12/3/08  
FINAL REPLY:

TO:  
R. William Borchardt, EDO

FOR SIGNATURE OF : \*\* PRI \*\*  
Carpenter, OE

CRC NO:

DESC: Audit of NRC's Enforcement Program  
(OIG-08-A-17)

ROUTING:

Borchardt  
Virgilio  
Mallett  
Ash  
Ordaz  
Cyr/Burns  
Arildsen, OEDO  
OIG File

DATE: 12/3/08

ASSIGNED TO: OE CONTACT: Carpenter

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. 200800421, 200800422, 200800423.  
Prepare response addressing ALL resolved  
recommendations. Please be sure to  
address the target completion date.

Template: EDO-001

E-RIDS: EDO-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** OEDO-2008-0897

**Source:** OEDO

## General Information

**Assigned To:** OE

**OEDO Due Date:** 6/5/2009 5:00 PM

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** Audit of NRC's Enforcement Program (OIG-08-A-17)

**Description:**

**CC Routing:** NONE

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20080805, OIG-08-A-17

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** OIG

**Agency Lesson Learned:** NO

**Roadmap Item:** NO

## Process Information

**Action Type:** Memo

**Priority:** Medium

**Sensitivity:** None

**Signature Level:** OE

**Urgency:** NO

**OEDO Concurrence:** NO

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** Prepare a complete response addressing ALL resolved recommendations. Please be sure to address the target completion date.

## Document Information

**Originator Name:** Stephen D. Dingbaum

**Date of Incoming:** 12/3/2008

**Originating Organization:** OIG

**Document Received by OEDO Date:** 12/3/2008

**Addressee:** R. William Borchardt, EDO

**Date Response Requested by Originator:** 6/5/2009

**Incoming Task Received:** Memo



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

OFFICE OF THE  
INSPECTOR GENERAL

December 3, 2008

MEMORANDUM TO: R. William Borchardt  
Executive Director for Operations

FROM: Stephen D. Dingbaum /RA/  
Assistant Inspector General for Audits

SUBJECT: AUDIT OF NRC'S ENFORCEMENT PROGRAM  
(OIG-08-A-17)

REFERENCE: DEPUTY EXECUTIVE DIRECTOR FOR  
MATERIALS, WASTE, RESEARCH, STATE,  
TRIBAL, AND COMPLIANCE PROGRAMS  
MEMORANDUM DATED OCTOBER 27, 2008

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated October 27, 2008. Based on the response, recommendations 1, 2, and 3 are resolved.

If you have questions or concerns, please call me at 415-5915 or Sherri Miotla, Team Leader, at 415-5914.

Attachment: Status of Recommendations

cc: V. Ordaz, OEDO  
J. Arildsen, OEDO  
P. Shea, OEDO

EDO --G20080805

## Audit Report

### AUDIT OF NRC'S ENFORCEMENT PROGRAM

OIG-08-A-17

#### Status of Recommendations

Recommendation 1: Develop comprehensive agencywide guidance to establish (1) expectations for inspectors and managers to independently disposition violations and (2) relevant participants needed for enforcement decisionmaking.

Agency Response Dated  
October 27, 2008:

Agree. The Office of Enforcement (OE) believes the current process for review and disposition of escalated enforcement actions is well-defined, but that the guidance for disposition of non-escalated enforcement actions could be strengthened. OE will work with the regional and headquarters program offices to more clearly define the minimum required levels of review and concurrence necessary to disposition non-escalated inspection findings, including when it is appropriate to disposition violations onsite. At their discretion, the regional offices can add additional levels of review depending on the complexity of the finding. OE will incorporate this guidance into the Enforcement Manual. OE will work with the program offices to review and revise associated Inspection Manual Chapters, if necessary, to make them consistent with the updated Enforcement Manual. Completion date: October 31, 2009.

OIG Analysis:

The agency's plan to revise its agencywide guidance to more clearly define expectations regarding the dispositioning of non-escalated inspection findings, and incorporate the revisions in NRC's Enforcement Manual, meets the intent of this recommendation. Therefore, the recommendation is resolved. This recommendation will be closed when OIG receives and reviews the revised guidance to ensure that the recommendation's specific points have been adequately addressed.

Status:

Resolved.

## Audit Report

### AUDIT OF NRC'S ENFORCEMENT PROGRAM

OIG-08-A-17

#### Status of Recommendations

Recommendation 2: Define systematic data collection requirements for non-escalated enforcement actions.

Agency Response Dated  
October 27, 2008:

Agree. With the exception of non-escalated licensee-identified violations, data associated with all reactor inspection findings of greater than minor significance are currently collected and stored in the Reactor Program System (RPS) database, which is maintained by the regional offices and the Office of Nuclear Reactor Regulation (NRR). Any NRC staff member can effectively search the RPS database through NRR's website. OE and the regional enforcement staff use a separate database, the Enforcement Action Tracking System, to track and manage activities associated with escalated enforcement for both materials and reactor issues. However, no systematic data collection system is in place for non-escalated materials inspection findings, non-escalated reactor violations that are licensee-identified, or issues of minor significance. OE will validate that RPS provides sufficient capability to assist staff in making informed enforcement decisions for reactor issues. OE will evaluate whether data associated with non-escalated reactor violations that are licensee-identified and issues of minor significance should be tracked, as well. OE will develop a new data collection system to capture non-escalated materials findings or will modify an existing database to include these items. OE will develop written guidance for NRC staff to use in entering information into this database. Completion date: October 31, 2009.

OIG Analysis:

OIG acknowledges that OE plans to validate the capabilities of the RPS to assist the staff when making reactor-related enforcement decisions. The agency's plans to (1) evaluate issues regarding the capture and tracking of non-escalated reactor violations and issues of minor significance, and (2) develop or modify a data collection system to capture non-escalated materials findings and develop guidance for entering information into the designated system meet the intent of this recommendation. Therefore, the recommendation is resolved. This recommendation will be

**Audit Report**

**AUDIT OF NRC'S ENFORCEMENT PROGRAM**

**OIG-08-A-17**

**Status of Recommendations**

closed when all of the cited activities are completed and reviewed by OIG to ensure that the recommendation's specific points have been adequately addressed.

**Status:** Resolved.

## Audit Report

### AUDIT OF NRC'S ENFORCEMENT PROGRAM

OIG-08-A-17

#### Status of Recommendations

Recommendation 3: Develop and implement a quality assurance process that ensures that collected enforcement data is accurate and complete.

Agency Response Dated  
October 27, 2008:

Agree. OE's response to Recommendation 1 includes development of additional guidance for review of non-escalated enforcement actions. This guidance will specify that, along with the existing concurrence process, quality assurance reviews be performed by the originating office. Once a final enforcement decision is issued, it will be entered into a data collection system, as discussed in Recommendation 2. OE will develop an audit program to ensure that all inspection findings and enforcement actions are entered into the chosen system accurately and consistently. Specific guidance on roles and responsibilities for these reviews will be developed and incorporated into the Enforcement Manual. Lessons learned from the audit program will be shared with the regions and program offices. Completion date: October 31, 2009.

OIG Analysis:

The agency's plan to develop additional guidance and controls to ensure the quality of collected enforcement data meets the intent of this recommendation. Therefore, the recommendation is resolved. This recommendation will be closed when OIG receives and reviews the revised guidance and proposed controls to ensure that the agency's actions fully satisfy the recommendation's specific points.

Status:

Resolved.