ATTACHMENT 1
FCSDP DETERMINATION OF FINDING OF GREATER THAN MINOR SIGNIFICANCE

01 APPLICABILITY

The initial screening process for the Fuel Cycle Significance Determination Process (FCSDP) described in this Attachment is designed to provide Nuclear Regulatory Commission (NRC) inspectors and management with a framework to identify those issues that may be potentially risk-significant issues, and require further evaluation. If the finding is determined to require additional evaluation, this Attachment will direct the inspector to the appropriate Appendix to complete the significance determination. In addition, the items will be evaluated for potential enforcement.

02 ENTRY CONDITIONS

This Attachment is the initial entry point for the evaluation of inspection issues identified at a Fuel Facility. Events or conditions with the potential to be significant should also be evaluated using Management Directive 8.3, "NRC Incident Investigation Program."

03 PROCESS OVERVIEW

03.01 Each issue entering the significance determination process (SDP) process, regardless of the cornerstone under which it is identified, must first be screened using this attachment. An issue must have a performance deficiency associated with it, and must be determined to be of a greater than minor nature to be an inspection finding assessed in the SDP process. Issues that screen greater than minor are then characterized for risk-significance using the cornerstone specific screening Phase 1 worksheets in the Appendices referenced from this Attachment. Issues determined not to be performance deficiencies or that are screened as minor are not subjected to the FCSDP Phase 1 screening, and are usually not documented. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

03.02 The Chemical and Criticality cornerstones use information from the licensee's integrated safety analysis (ISA), and numerical methods to risk inform the significance determination process. These SDPs use a two phase process to differentiate performance deficiencies or inspection findings on the basis of their potential risk significance. Each performance deficiency is evaluated to determine its risk significance and formulate an input to the assessment process.

a. Phase 1 is intended to be accomplished by the inspection staff, with the assistance of a risk analyst, if needed. Inspectors should collect information needed for determining the significance of the finding, such as the condition, control, or component affected, the nature of the degradation, and the duration of the degraded item. Inspectors should obtain licensee risk perspectives as early in the SDP process as a licensee is prepared to offer them, and use the SDP framework to the extent possible to evaluate the adequacy of the licensees input and assumptions. The Phase 1 process allows for an inspector to screen selected items of very low significance (Green), without the use of numerical calculations. Items not screened Green in Phase 1 are potentially greater than Green, and are evaluated in Phase 2.

b. In Phase 2, the performance deficiencies, based on the amount of the change in the probability of a criticality or chemical release, are evaluated for significance by a risk analyst, and are assigned the colors Green, White, Yellow, or Red, for assessment purposes.

03.03 Within the remaining cornerstones (Occupational Radiation Safety, Public Radiation Safety, Physical Security, Material Control and Accounting, Information Security, and Emergency Preparedness), performance deficiencies are analyzed to categorize the significance of findings using a deterministic, but risk informed process, that incorporate both the Phase 1 and 2 processes.

04 INITIAL SCREENING FOR INSPECTION ITEMS

Use the following instructions and Figures 1, 2, and 3 to determine if: (1) an issue of concern has significance to warrant further analysis and/or documentation; (2) a finding is a violation of NRC requirements; and (3) a violation should be cited or non-cited.

04.01 Screen for Performance Deficiency

a. Answer the following questions to determine if the issue of concern is a performance deficiency:

   1. Was the issue of concern the result of the certificate holder's or licensee's failure to meet a requirement or a standard? Note: A performance deficiency can exist if a licensee fails to meet a self-imposed standard or a standard required by regulation.

   2. Was the cause reasonably within the certificate holder's or licensee's ability to foresee and correct and should have been prevented?

b. If the answer to both of the performance deficiency questions is 'Yes' then go to Section 04.02 to screen for traditional enforcement.

c. In rare cases, if the answer to either of the performance deficiency questions is 'No' and the issue of concern is a violation, coordinate with the Office of Enforcement through the Regional Enforcement Coordinator to determine the severity level of the violation. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

d. If the answer to either of the performance deficiency questions is 'No' and the issue of concern is not a violation, then the issue of concern is not generally documented. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

e. If additional information is needed to determine if the issue of concern is a performance deficiency then the issue is an Unresolved Item (URI) and should be documented in accordance with IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports."

04.02 Screen for Traditional Enforcement

a. The inspector is expected to refer to the Enforcement Policy/Manual for guidance on addressing the following questions:

   1. Does the issue have actual or potential safety consequence (e.g., overexposure, actual radiation release greater than 10 CFR Part 20 limits, credible scenarios with potentially significant actual consequences)?

2. Does the issue have the potential for impacting the NRC's ability to perform its regulatory function? For example, a failure to provide complete and accurate information or failure to receive NRC approval for a change in licensee activity, or failure to notify NRC of changes in licensee activities.

3. Has the Office of Investigations determined that there were willful aspects of the violation?

b. If the answer to any of the enforcement questions is 'Yes' then the issue of concern should be addressed by traditional enforcement. Go to Figure 2 and 06.02 of this Attachment.

c. If the answer to all of the enforcement questions is 'No' then continue to Section 04.03.

04.03 Screen for More Than Minor - FCOP

a. Review the applicable examples of minor issues in IMC-RFCOP-SDP, Attachment 2, "Examples of Minor Issues". If the performance deficiency is sufficiently similar to a "minor" example description, then the performance deficiency is minor. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

b. If the performance deficiency is sufficiently similar to the "not minor if" statement, then answer the questions below to verify if the performance deficiency is more than minor.

1. Could the performance deficiency be reasonably viewed as a precursor to a significant event?

2. If left uncorrected would the performance deficiency have the potential to lead to a more significant safety concern?

c. If the answer to any of the "more than minor" questions above is 'Yes' then the performance deficiency is a finding.

d. If the answer to all of the "more than minor" questions is "No," then the performance deficiency is minor. Stop. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

.4.04 Treatment Of Concurrent Multiple Equipment Or Functional Degradations

a. Concurrent multiple equipment or functional degradations are evaluated based on their cause. If the concurrent multiple equipment or functional degradations resulted from a common cause (e.g., a single inadequate maintenance procedure that directly resulted in deficient maintenance being performed on multiple components), then a single inspection finding is written. The significance characterization is determined using a Phase 2 SDP, is based on the time periods during which the degradations existed.

1. If multiple cornerstones were affected, the single finding will be assigned to the cornerstone which best reflects the dominant risk influences. The justification for the existence of a common cause must be a stronger causal relationship than poor management or cross-cutting programs (e.g., an inadequate problem identification and resolution program is an inadequate basis to justify a common cause finding).

2. If independent causes are determined to have resulted in multiple equipment or functional degradations, then separate inspection findings are written. The findings are individually characterized for significance, assuming none of the other independent findings existed. This is necessary to account for the probabilistic independence of the findings.

b. In all cases, the risk of concurrent multiple equipment or functional degradations and the staff's basis for treating these effects as either having a common cause or being independent should be documented in an inspection report or other appropriate public correspondence.

04.05 Document Finding on Table 1

a. Record the performance deficiency and factually describe known observations associated with the deficiency in Table 1 – "SDP Initial Screening Worksheet for All Cornerstones." If Table 1 is used to document a security performance deficiency and the factual description of condition, the table shall be properly labeled as "Safeguards" or "Official Use Only - Security Related Information."

b. Describe the known or assumed impact on affected control, plant program or function. Explain why the issue is not minor. Do not include hypothetical conditions or speculate on the "worst case" potential degradation as an input to an official SDP result. However, a bounding determination of significance may be made by assuming a worst-case condition. For example, assume complete loss of function, even if unsupported by the facts known at that time. Be sure to include the time period the deficiency existed.

05 INITIAL CHARACTERIZATION OF FINDINGS

05.01 Inspector Screening of Finding

The inspector should use Table 2 to indicate the cornerstone and functions degraded as a result of the performance deficiency. If the finding affects multiple cornerstones, the finding should be assigned to the cornerstone that best reflects the dominant risk of the finding. Go to the Appendix indicated in Table 2 for further screening of the finding.

05.02 Final Significance Determination

The Appendices and IMC-FCOP-SDP describe the process to reach a final determination on the findings' significance. After a final determination is reached, reenter this Attachment at: "06. FINAL DETERMINATION OF SEVERITY"

06. FINAL DETERMINATION OF SEVERITY

After determination of the significance of the finding using the FCSDP evaluate the following:

06.01 Green Issues

If the finding is determined to be Green and is licensee-identified, go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for the documentation requirements.

06.02 Screen for Severity Level for Traditional Enforcement

a. Work with the Office of Enforcement through the Regional Enforcement Coordinator to determine the severity level of the violation. (Note: In some cases, the severity level of the violation will be based on the significance of the issue associated with the violation as evaluated through an SDP.)

b. If the violation is minor or determined to be licensee-identified and is SL IV, go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

c. If the violation is determined to be SL IV and is NRC-identified or self-revealing, proceed to Section 06.03.

d. If the violation is potentially SL III or higher, then the finding is an AV. The final significance of the finding will be determined in accordance with the Enforcement Policy.

06.03 Screening for Applicable Enforcement Action

a. Determine whether a violation of NRC requirements occurred.

1. If no violation occurred, then the issue is a FIN. Stop. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

2. If a violation occurred, continue:

b. If the significance of the violation is potentially greater than Green or potentially greater than Severity Level IV, then the finding is an apparent violation (AV) with a significance of TBD. The final significance and appropriate enforcement action will be determined in accordance with IMC 0609 and/or the Enforcement Policy. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

c. If the significance of the violation is Green or Severity Level IV, then continue.

06.04 Screening for Potential Cited Violation

a. Work with the Office of Enforcement through the Regional Enforcement Coordinator to determine whether the violation should be cited or non-cited. The inspector is expected to refer to the Enforcement Policy/Manual for guidance on addressing the following questions:

1. Did the licensee fail to restore compliance?

2. Did the licensee fail to enter the violation into their corrective action program?

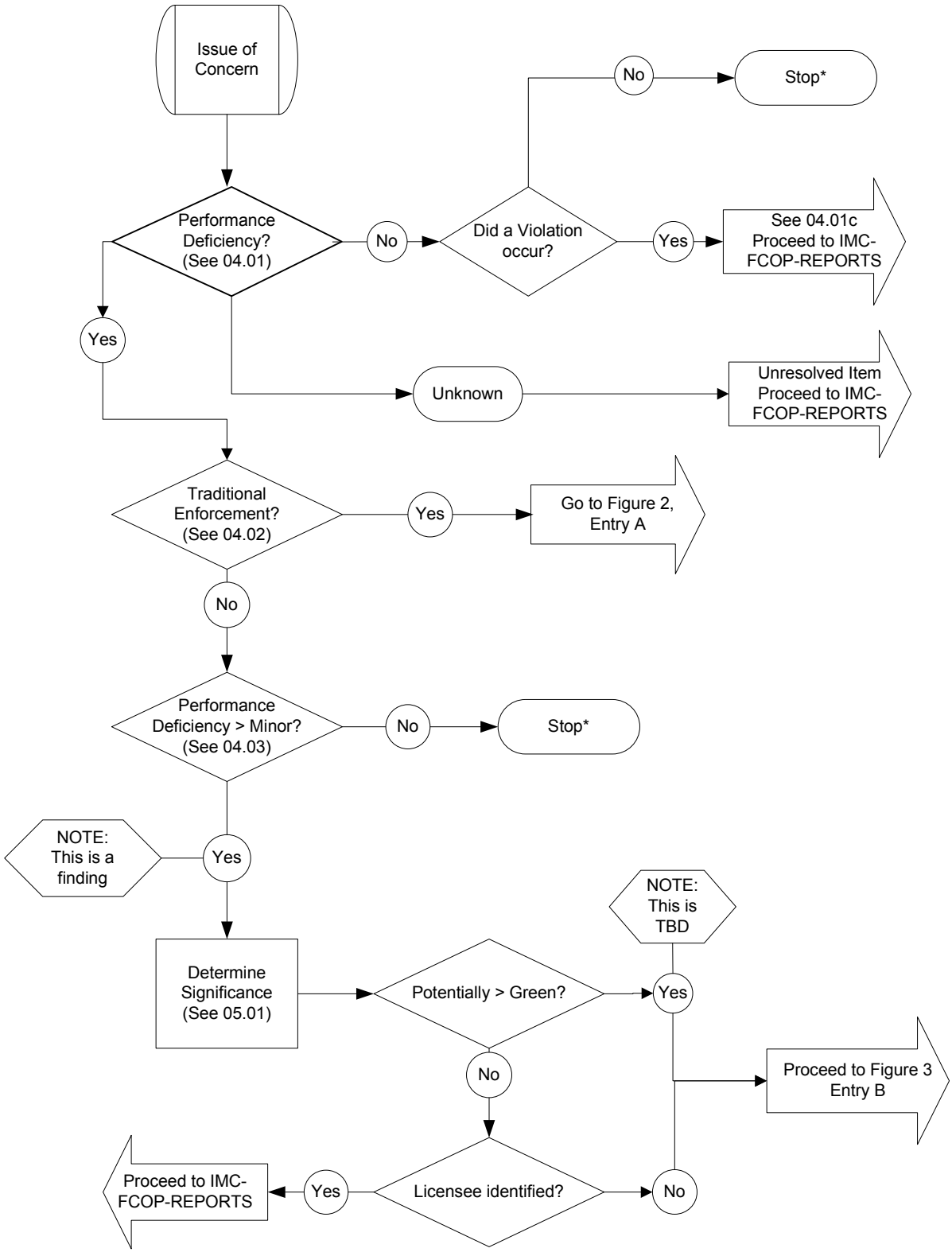
3. Was the violation willful?

4. (For enforcement only) Was the violation repetitive and NRC-identified?

b. If the answer to any of the above questions is yes, the violation should be considered for a Notice of Violation. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

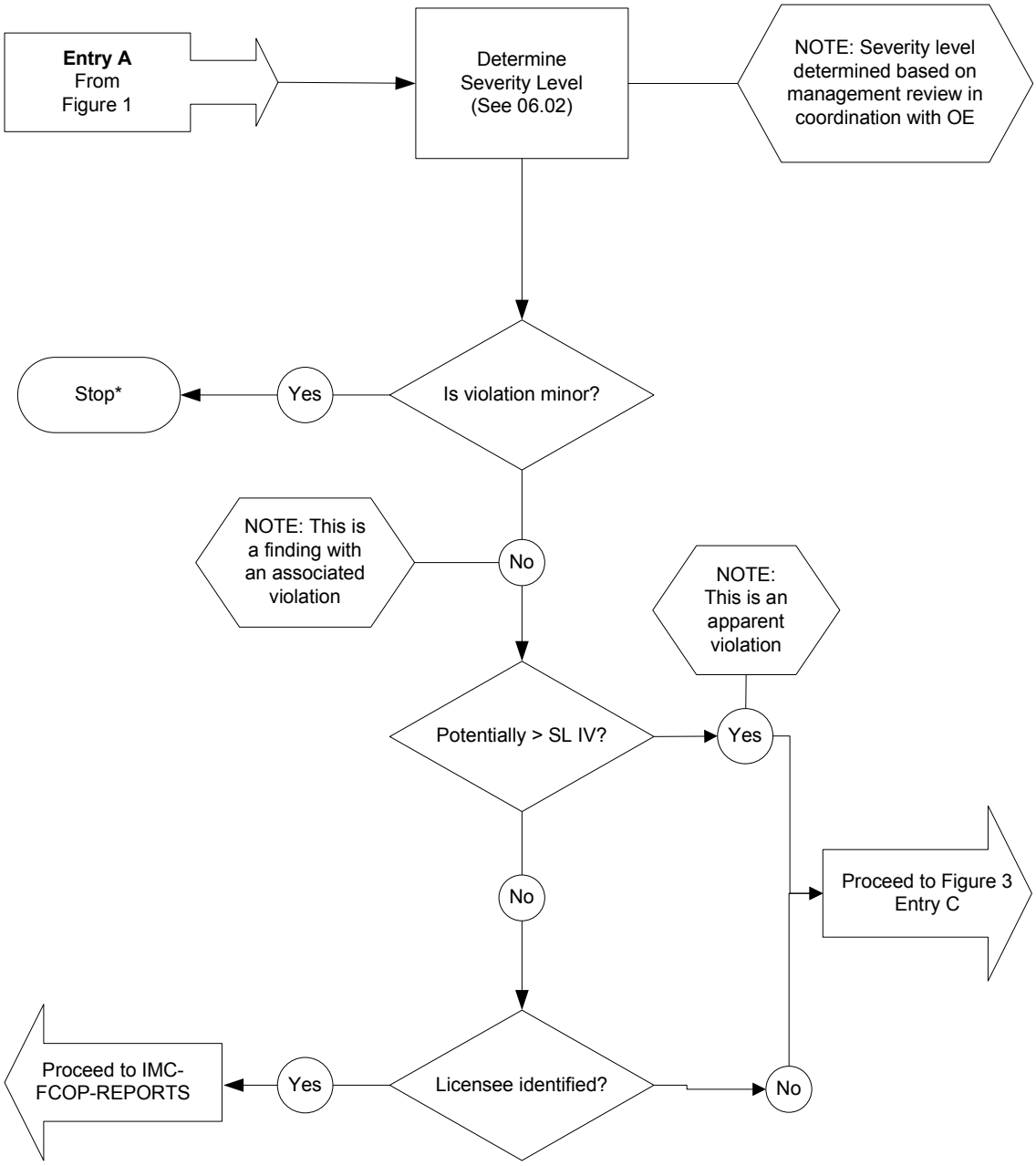
c. If the answer to all of the applicable questions is no, the violation may be dispositioned as a non-cited violation. Go to IMC-FCOP-REPORTS, "Fuel Cycle Safety and Safeguards Inspection Reports" for documentation guidance.

Figure 1 – Performance Deficiency and SDP Analysis



*See IMC-FCOP-REPORTS for documenting minor issues and minor violations

Figure 2 – Traditional Enforcement Analysis



* See IMC-FCOP-REPORTS for documenting minor issues and minor violations

Figure 3 – Applicable Enforcement Action

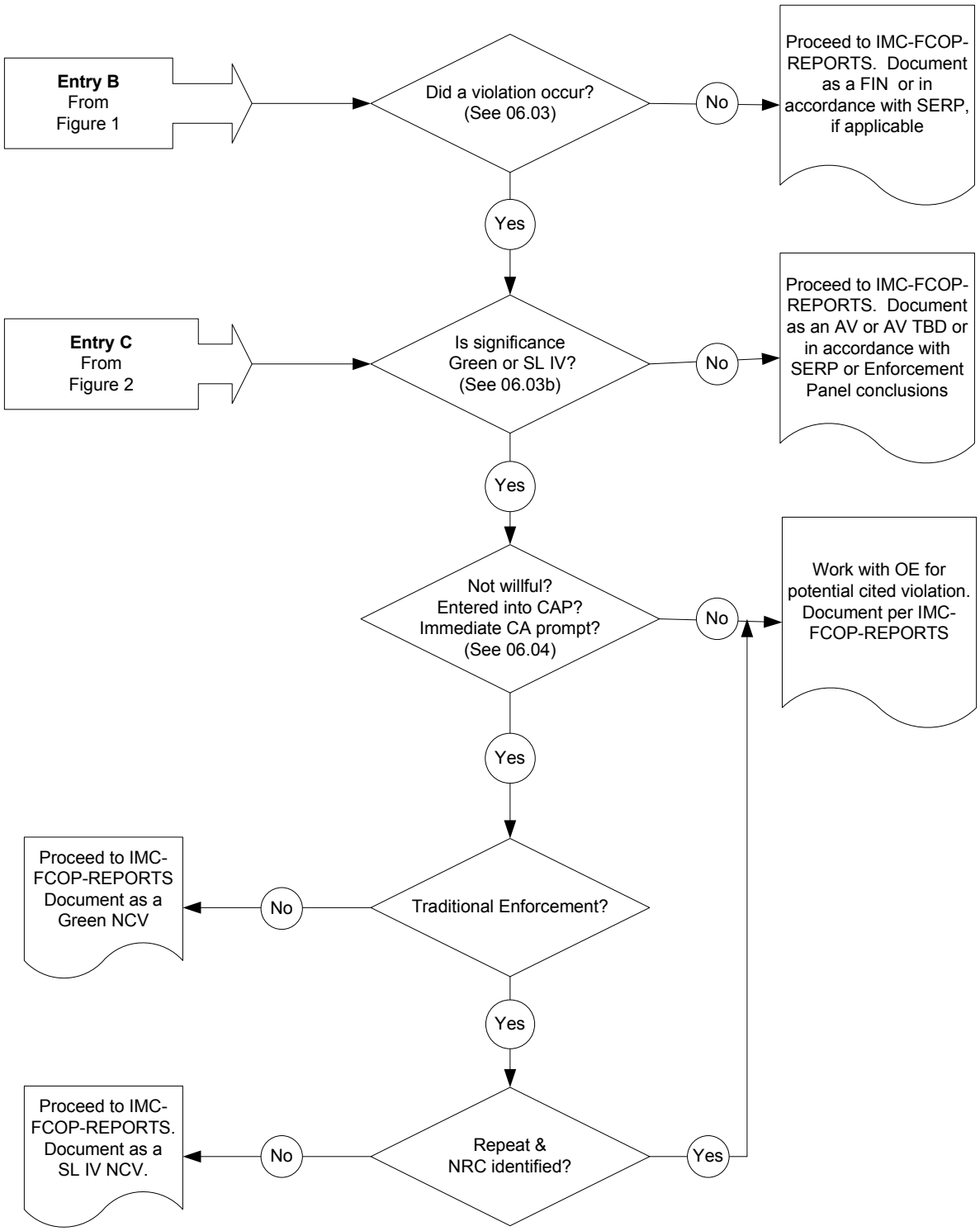


Table 1- SDP INITIAL SCREENING WORKSHEET FOR ALL CORNERSTONES
Reference/Title (LER #, Inspection Report #, etc): Facility: Process:
Inspector Identified ☐ Licensee Identified ☐ Self Revealing ☐
Date Discovered:_____ **In the Licensee's Corrective Action System?: Yes** ☐ **No** ☐
Performance Deficiency (concise statement clearly stating deficient licensee performance):
Factual Description of Condition (statement of facts known about the condition that resulted from the performance deficiency, without hypothetical failures included.)
Equipment, Controls or Functions Degraded by Condition (note also if they are addressed in the licensee's ISA):
Basic Functions of the degraded item
Basis of the greater than Minor determination:
The dates the condition existed or is assumed to have existed:
Proposed Cornerstone (Complete Table 2):_____
Inspector:_____Date Submitted:_____

Table 2 - CORNERSTONES AND FUNCTIONS DEGRADED AS A RESULT OF DEFICIENCY (✔) Check the appropriate boxes		
CRITICALITY SAFETY CORNERSTONE	**CHEMICAL SAFETY CORNERSTONE**	**SECURITY AREAS**
❒ Previously unanalyzed or unrecognized condition. Loss or degradation of: ❒ Passive Control ❒ Active Control ❒ Administrative Control Go to the Criticality Safety Phase 1, in IMC-RFCOP-SDP, Appendix A	❒ Previously unanalyzed or unrecognized condition. Loss or degradation of: ❒ Passive Control ❒ Active Control ❒ Administrative Control Go to the Chemical Safety Phase 1, in IMC-RFCOP-SDP, Appendix A	❒ Findings identified under the IMC-2201, Security and Safeguards Inspection Program ❒ Radioactive Material Control Program ❒ Information Security finding Go to the Security SDP, in IMC-RFCOP-SDP, Appendix E
EMERGENCY PREPAREDNESS CORNERSTONE	**OCCUPATION RADIATION SAFETY CORNERSTONE**	**PUBLIC RADIATION SAFETY CORNERSTONE**
❒ Failure to Comply with a Planning Standard or Risk-Significant Planning Standard ❒ Actual Event Implementation Problem Go to the Emergency Preparedness SDP in IMC-RFCOP-SDP, Appendix B	❒ ALARA Planning or Work Controls ❒ Exposure or Over-exposure problem ❒ Ability to Assess Dose Compromised Occupation the Radiation Safety in IMC-RFCOP-SDP, Appendix G	❒ Radioactive Effluent Release Program ❒ Radioactive Environmental Monitoring Program ❒ Transportation or Part 61 Go to the Public Radiation Safety in IMC-RFCOP-SDP, Appendix X
NOTE: When assessing the significance of a finding affecting multiple cornerstones, the finding should initially be assigned to the cornerstone that best reflects the dominant risk of the finding.		

ATTACHMENT 1

Revision History for ATTACHMENT 1 to IMC SDP

Commitment Tracking Number	Issue Date	Description of Change	Training Needed	Training Completion Date	Comment Resolution Accession Number