

June 17, 2010

MEMORANDUM TO: Stephen D. Dingbaum  
Assistant Inspector General for Audits  
Office of the Inspector General

FROM: Roy P. Zimmerman, Director/RA/  
Office of Enforcement

SUBJECT: STATUS OF RECOMMENDATIONS RELATED TO THE AUDIT  
OF NRC'S ENFORCEMENT PROGRAM (OIG-08-A-17)

This letter provides an update on the status of recommendations in the September 26, 2008, memorandum transmitting the Office of Inspector General's Audit Report, "Audit of NRC's Enforcement Program." With respect to each of the recommendations, I submit the following:

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.

Status

Ongoing. The Office of Enforcement (OE) committed to working 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. OE agreed to incorporate this guidance into the Enforcement Manual. OE also agreed to work with the program offices to review and revise associated Inspection Manual Chapters (IMCs), if necessary, to make them consistent with the updated Enforcement Manual.

As discussed in OE's July 3, 2009, and January 15, 2010, status memos, the remaining actions necessary to address this recommendation involve a revision to IMC 2800, "Materials Inspection Program" and associated changes to the Enforcement Manual. The revision to IMC 2800 will establish a requirement that branch chiefs review and concur on materials inspection findings documented on NRC Forms 591s. In OE's January 15, 2010, status memo, OE discussed that this requirement was being added to IMC 2800 as part of a larger revision to IMC 2800, and that this revision was expected to be completed by April 2010. Subsequently, the expected issuance date of the revised IMC 2800 changed to the end of June 2010.

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A revised version of IMC 2800 is currently in concurrence and can be found in the Agencywide Documents Access and Management System under accession number ML092170511. Section 08.04 and Enclosure 5 were modified to address Recommendation 1. Changes to the Enforcement Manual will be made once the IMC 2800 revision is complete.

### Recommendation 2

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

### Status

Ongoing. OE agreed to validate that the Reactor Program System database provides sufficient capability to assist staff in making informed enforcement decisions for reactor issues. OE agreed to evaluate whether data associated with non-escalated reactor violations that are licensee-identified and issues of minor significance should be tracked, as well. OE committed to either developing a new data collection system to capture non-escalated materials findings or modifying an existing database to include these items. OE also agreed to develop written guidance for NRC staff to use in entering information into the chosen database.

As discussed in OE's July 3, 2009, and January 15, 2010, status memos, the remaining action necessary to address this recommendation involves implementation of the web-based licensing system (WBL) currently under development by the Office of Federal and State Materials and Environmental Management Programs. This system will be used to track non-escalated materials inspection findings. The system requirements for WBL have been modified to enable the system to collect inspection results and to allow users to enter information regarding the disposition of enforcement actions associated with each inspection activity (e.g., requirement violated and type of enforcement action taken). The system requirements have also been modified to allow users to search the database and generate reports associated with non-escalated enforcement actions. Procedures will be developed for entry of data into WBL.

As discussed in OE's January 15, 2010, status memo, action to address Recommendation 2 will not be completed until late 2011 when the capability to track non-escalated enforcement actions with WBL is made available.

### Recommendation 3

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

### Status

Ongoing. As discussed in Recommendation 1, OE agreed to provide additional guidance on the review and concurrence of non-escalated enforcement actions. OE committed to developing a quality assurance process to be performed by the originating office. OE also committed to developing an audit program to ensure that inspection findings and enforcement actions are entered into the chosen data collection system accurately and consistently. OE agreed to develop guidance on roles and responsibilities for these reviews and incorporate that guidance into the Enforcement Manual. Lessons learned from the audit program would be shared with the regions and program offices.

As discussed in OE's July 3, 2009, and January 15, 2010, status memos, the remaining actions necessary to address this recommendation involve development of procedures describing the data entry requirements for WBL, periodic review of the data entered into WBL, and a follow-up audit of completed NRC Form 591s to assess the effectiveness of the corrective actions taken in response to Recommendation 1.

As discussed in OE's January 15, 2010, status memo, actions associated with development of procedures for data entry and auditing of WBL will not be completed until the actions to address Recommendation 2 are complete in late 2011. OE plans to conduct a follow-up audit of completed NRC Form 591s before the end of 2010.

Again, I appreciate your efforts to review our enforcement program and the opportunity for us to provide an update on the status of our corrective actions.

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Again, I appreciate your efforts to review our enforcement program and the opportunity for us to provide an update on the status of our corrective actions.

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