

September 6, 2012

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 the 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 decision making.

Status

Closed (August 30, 2010, ML102420614).

Recommendation 2

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

Status

Closed (August 31, 2012, ML12249A296).

The web-based licensing system (WBL) Version 1.0 was deployed in August 2012. WBL Version 1.0 has the capability to track non-escalated materials inspection findings, including non-cited violations.

The system deployed in August 2012 provides for the following: collecting inspection results; including entry of information regarding the disposition of enforcement actions associated with

CONTACT: Susanne Woods, OE
(301) 415-2740

each inspection activity (e.g., requirement violated and type of enforcement action taken); selecting search parameters; and generating reports associated with non-escalated enforcement actions.

Deployment of the system included release of procedures for entry of data into the WBL, and training in each region regarding use of the system.

Recommendation 3

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

Status

Ongoing. A follow-up audit of completed NRC Form 591s was performed the week of May 9, 2011, to identify whether staff training on revisions to Inspection Manual Chapter 2800 (IMC 2800), "Materials Inspection Program" and the Enforcement Manual was effective in assuring that non-escalated violation data being documented on NRC Form 591s is of high quality. The staff reviewed a population of 25 completed NRC Form 591 inspection records issued during the first calendar quarter of 2011 and found, in general, that the actions taken in response to Recommendation 1 were effective. Specifically, violations were well documented and included clearly stated requirements, as well as information about how the licensee failed to meet the requirements. In addition, when known at the time of the inspection, licensee corrective actions were also documented on the NRC Form 591. However, the audit did identify different versions of NRC Form 591 being used by inspectors in different agency offices. Additionally, in a few cases, the version used did not contain a branch chief signature block as now required by IMC 2800. Further, this issue was coordinated with Office of Federal and State Materials and Environmental Management Programs (FSME). Resolution of the implementation planning for OE recommendations was completed on July 28, 2011, as FSME agreed to (1) implement OE recommendations and (2) update NRC Form 591M in Enclosure 5 of the Inspection Manual Chapter 2800 with the next revision of this chapter.

The staff commitment to develop quality assurance of the data is now complete. Specifically, FSME revised NRC Forms 591 and 591M in October 2011 to include a Branch Chief signature as a quality and consistency check. In a December 2, 2011 memo, FSME notified the regions of the availability of the revised NRC Forms 591 and 591M, as well as the expectation for the NRC to begin using the forms. Further, the IMC 2800 will be revised at the next normal revision cycle, which is expected to be completed by December 31, 2013.

The WBL system Version 1.0, as deployed in August 2012, includes the capability to track non-escalated materials inspection findings, including non-cited violations. Design and deployment of the system included aspects to ensure quality data is captured in the system, including release of procedures for entry of data into the WBL and training in each region regarding use of the system. In addition, the regions have internal processes for ensuring the accuracy of licensing, inspection, enforcement actions, and specific documentation.

During the next six months (by approximately March 7, 2013), the staff will be working to complete remaining action to address Recommendation 3 by developing guidance for

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placement in the NRC Enforcement Manual that addresses audits of non-escalated enforcement actions, including the roles and responsibilities for audits.

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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OFFICE	OE:ES	OE:BC	FSME	OE:OD
NAME	SWoods	J Wray for NHilton	PHenderson	RZimmerman
DATE	09/05/12	08/14 /12	08/14/12	09/06/12

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