

NRC INSPECTION MANUAL

NMSS/FCSE

MANUAL CHAPTER 0616

FUEL CYCLE SAFETY AND SAFEGUARDS INSPECTION REPORTS

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ATTACHMENT 1 - Revision History for IMC 0616 Att1-1

0616-01 PURPOSE

To provide guidance on inspection report content, format, and style for fuel cycle inspection reports.

0616-02 OBJECTIVES

To ensure that inspection reports:

02.01 Clearly communicate significant inspection results to licensees, U.S. Nuclear Regulatory Commission (NRC) staff, and the public.

02.02 Provide conclusions about the effectiveness of the programs or activities inspected. The depth and scope of the conclusions should be commensurate with the depth and scope of the inspection.

02.03 Provide a basis for enforcement action (EA).

02.04 Assess licensee performance in a periodic, short-term context, and present information in a manner that will be useful to NRC management in developing longer-term, broad assessments of licensee performance such as Licensee Performance Reviews (LPRs).

0616-03 DEFINITIONS

Agency Record. A record in the possession and control of the NRC that is associated with Government business.

Apparent Violation. A **situation or circumstance that does not appear to meet NRC requirements and for which the NRC staff has not made a final enforcement determination**. This definition is **typically** used to characterize potential Severity Level III or higher violations being considered for escalated enforcement action or violations being considered for enforcement discretion.

Certificate Holder. An entity responsible for meeting certain NRC requirements defined in an NRC-issued Certificate of Compliance (CoC) (e.g., 10 CFR Parts 71 or 72). Note that for the purposes of this Inspection Manual Chapter (IMC), the use of the term “licensee” includes certificate holder.

Closed Item. A matter previously reported as a noncompliance, an inspector follow-up item (IFI), a licensee event report, or an unresolved item (URI), that the inspector concludes has been satisfactorily addressed based on information obtained during the current inspection.

Conclusion. As used in this IMC, an assessment that relates one or more findings to the broader context of a licensee program.

Deviation. A licensee's failure to satisfy a written commitment, such as a commitment to conform to the provisions of applicable codes, standards, guides, or accepted industry practices when the commitment, code, standard, guide, or practice involved has not been made a requirement by the Commission.

NOTE: For 10 CFR Part 21 and vendor inspections, the term "deviation" generally refers to the definition given in Part 21 (i.e., "a departure from the technical requirements included in a procurement document").

Draft Inspection Report. Any version of the inspection report before its official issuance.

Escalated Enforcement Action. A Notice of Violation (NOV) for any SL I, II, or III violation (or problem); a civil penalty; or order based on a violation.

Finding. An observation together with a conclusion of adequacy or significance.

Inspection. The examination and assessment of any licensee activity regulated by the NRC to determine its effectiveness, to ensure safety, and/or to determine compliance. A single inspection report may encompass resident inspection, in-office document review, and/or one or more visits by Regional or Headquarters inspectors; however, a single report is normally limited to a specific period of inspection.

Inspection Document. Any material obtained or developed during an inspection that is considered to be an NRC record (see below).

Inspector Follow-Up Item (IFI). An IFI is a potential safety or safeguards issue that is not a violation, non-conformance or deviation that requires further inspection because specific licensee action is pending. An IFI should clearly identify the action being taken. An inspector should only open an IFI if further NRC inspection is warranted and the issue was evaluated for safety or safeguards significance and discussed with management. IFIs should be closed after the licensee has completed the necessary actions to address the issue. The inspector who opens an IFI should make every effort to obtain the needed information through either a telephone conference with the licensee following the inspection or by having another inspector review the issue in a subsequent inspection. If the item can be closed out as a result of a telephone conference with the licensee, the inspector should provide a feeder report for inclusion in the next inspection report at the facility (Resident Inspector, Regional or Headquarters inspection).

Integrated Inspection Reports. A fuel facility inspection report that typically combines inputs from all inspections (resident, regional, etc.) conducted within a specific period prescribed by management. Special inspections or other activities may, on occasion, be reported separately from integrated reports.

Licensee. The holder of an NRC license, construction permit, or combined license. The provisions listed as applicable to "licensees" in this IMC are also applicable to vendors and certificate holders.

Licensee-Identified. For the purpose of this IMC, 'licensee-identified' violations are those that are neither NRC-identified nor self-revealing. Most, but not all, licensee-identified violations are discovered through a licensee program or process. Examples of licensee programs that may result in such violations are post-maintenance testing, surveillance testing, drills, critiques, or audits conducted by or for the licensee. Other examples of licensee-identified violations are those that are identified by the licensee during the course of performing their normal duties. See "NRC Enforcement Policy" Section 2.3.4.b.2(a).

Minor Violation. A violation associated with a minor noncompliance or that is less than Severity Level IV. Minor violations do not warrant enforcement action and are not normally documented in inspection reports. Appendix B provides the minor screening criteria and examples of issues that can be considered minor.

Non-Cited Violation. A method for dispositioning a Severity Level IV violation. Provided applicable criteria in the "NRC Enforcement Policy" are met, such findings are documented as violations, but are not cited in notices of violation, which normally require written responses from licensees.

Noncompliance. A violation (regardless of whether it is cited or not), nonconformance, or deviation.

Nonconformance. A vendor's or CoC holder's failure to meet a contract requirement related to NRC activities, where the NRC has not placed the requirement directly on the vendor or CoC holder.

Notice of Violation. A written notice setting forth one or more violations of a legally binding requirement.

NRC-Identified. For the purpose of this IMC, NRC identified violations are those violations found by NRC inspectors, of which the licensee was not previously aware or had not been previously documented in the licensee's corrective action program, licensee sponsored program, evaluation or licensee audit. NRC-identified violations also include issues initially identified by the licensee to which the inspector has identified a previously unknown weakness in the licensee's classification, evaluation, or corrective actions associated with the licensee's correction of a violation (i.e., NRC added value). See "NRC Enforcement Policy" Section 2.3.4.b.2(c).

Observation. A fact; any detail noted during an inspection.

Potentially Generic Issue. An inspection finding that may have implications for other licensees, certificate holders, and vendors whose facilities or activities are of the same or similar manufacture or style.

Potential Violation. A potential noncompliance with a regulatory requirement, regardless of possible significance or severity level, that has not yet been formally dispositioned by the NRC.

Regulatory Commitment. An explicit statement to take a specific action, agreed to or volunteered by a licensee, where the statement has been submitted in writing on the docket to the NRC. This may include a commitment in the licensee's application that is not a requirement of the license, a response to an NOV, and a commitment as part of a performance improvement program, etc.

Requirement. A legally binding obligation such as a statute, regulation, license condition, or Order.

Self-Revealing. Self-revealing violations are those developed from issues that become self-evident and require no active and deliberate observation by the licensee or NRC inspectors to determine whether a change in process or equipment capability or function has occurred. Self-revealing issues become readily apparent to either NRC or licensee personnel through a readily detectable degradation in the material condition, capability, or functionality of equipment or plant operations and require minimal analysis to detect.

Examples of self-revealing violations include those revealed through: readily observable system upsets or failure of IROFS outside the normal expected reliability; obvious failures of fluid piping or plant equipment; identification of large quantities of water in areas where one would not normally expect such a condition; and noncompliance with radiation area requirements that, in some cases, was identified through an electronic dosimeter alarm.

Sensitive Unclassified Non-Safeguards Information (SUNSI). Any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals.

Team Inspection. A multi-disciplinary inspection conducted by three or more inspectors for a specified purpose. Team inspections can be routine inspections of a major licensee, or reactive inspections in response to a particular incident or event. Team inspections do not include those where a supervisor or program office staff member accompanies an inspector to evaluate the inspector's performance or where one or more inspectors participate in a training status. In this context, team inspections are not meant to cover Augmented Inspection Teams (AITs) or Incident Investigation Teams (IITs) described in Management Directive (MD) 8.3, "NRC Incident Investigation Program."

Unresolved Item. An issue about which more information is required to determine if it is acceptable or if it constitutes a deviation or violation. Such a matter may require additional information from the licensee or cannot be resolved without additional guidance or clarification/interpretation of the existing guidance.

Vendor. A supplier of products or services to be used in an NRC-licensed facility or activity. In some cases, the vendor may be an NRC or Agreement State licensee (e.g., nuclear fuel fabricator, radioactive waste broker) or the vendor's product may be required to have an NRC CoC (e.g., certain transport packages such as spent fuel casks).

Violation. The failure to comply with a legally binding regulatory requirement, such as a statute, regulation, order, license condition, or technical specification.

Willfulness. See “NRC Enforcement Policy.”

0616-04 RESPONSIBILITIES

All NRC inspectors assessing fuel cycle licensed activities should prepare inspection reports in accordance with the guidance provided in this IMC. General and specific responsibilities are listed below.

04.01 General Responsibilities. Each inspection of a licensee, vendor, and certificate holder shall be documented in a report consisting of a cover letter, executive summary, inspection report, and attachments.

04.02 Inspectors.

- a. Inspectors should prepare inspection reports in accordance with the guidance provided in this IMC.
- b. Inspectors have the primary responsibility for ensuring that observations and findings are accurately reported, that referenced material is correctly characterized, and that the scope and depth of conclusions are adequately supported by documented observations and findings. Advice and recommendations are not to be included in inspection reports.
- c. Inspectors are responsible for ensuring that the content of the report does not conflict with the information presented at the exit meeting. If the report will differ significantly from the information provided at the exit meeting, the inspector (or the report reviewer) should discuss those differences with the licensee before the report is issued.
- d. Report writers and reviewers should ensure that inspection reports follow the general format given in this IMC, where appropriate.
- e. For inspections conducted by regional and resident inspectors, the report numbers should be issued per Regional Instructions and should be consistent with ADAMS templates.
- f. The report number sequence is as follows: Docket No./Year (four digits) followed by the sequential number of the report in that year. The inspection reports' number sequence for DFFI inspections are 0700XXXX/20YY00X. Safeguards and Security inspection report numbers would be 0700XXXX/20YY40X.

04.03 Branch Chiefs.

- a. A branch chief familiar with NRC requirements in the inspected area shall review each inspection report, prior to issuance, to ensure that the report follows the guidance given in this IMC.

- b. The management reviewer shall ensure that inspection findings are consistent with NRC policies and technical requirements, that enforcement-related findings are addressed in accordance with the “NRC Enforcement Policy” and the “NRC Enforcement Manual,” and conclusions are logically drawn and sufficiently supported by observations and findings.
- c. Management should ensure that a record of inspectors’ and reviewers’ concurrences are maintained on record. Management should ensure continued inspector concurrence when substantive changes are made to the report as originally submitted, and mediate disagreements that occur during the review process. As a minimum, substantial changes should be discussed with the inspector or inspectors involved to ensure continued concurrence, and disagreements that cannot be adequately resolved should be documented using the process described in Management Directive 10.158, “NRC Non-Concurrence Process.”
- d. The applicable branch chief is responsible for the report content, tone, conclusions, and overall regulatory focus, and timeliness of inspection reports. Typically, stand-alone reports are issued no later than 30 calendar days after inspection completion or 45 calendar days for team inspections. Inspection completion is normally defined as the day of the exit meeting.
- e. The branch chief is responsible for issuing integrated reports for fuel cycle facilities quarterly. Typically, integrated reports are issued no later than 30 calendar days after inspection completion. For integrated or resident inspection reports, inspection completion is normally defined as the later of the date of the exit meeting or last day covered by the inspection report. Resident inspection reports normally cover a calendar quarter.

04.04 Program Office. The program office is responsible for providing interpretations of the information contained in this IMC, for answering questions related to the guidance, and for providing guidance for situations not covered in this IMC.

0616-05 THRESHOLDS OF SIGNIFICANCE - SCREENING INSPECTION RESULTS

When conducting inspections, the NRC inspector reviews an appropriate sample of selected procedures, events, and operations; he or she is not expected to monitor all the activities in progress, or to document every minor discrepancy that occurs. As part of maintaining a focus on safety, inspectors continually use NRC requirements, inspection procedures, industry standards, regional and headquarters’ guidance, and their own training and insight to make judgments about which issues are worth pursuing and which are not.

To communicate effectively, inspection reports must reflect judgment and prioritization: significant safety issues should be discussed in appropriate detail and, less significant issues should be discussed succinctly. To maintain some consistency in how minor issues are treated,

report writers must recognize certain “thresholds of significance”; that is, they must use similar criteria in deciding whether an issue is important enough to document, important enough to track or follow up, etc.

The “NRC Enforcement Policy and Manual” acknowledges that some violations of minor safety, safeguards, environmental, and regulatory concern are below the level of significance of SL IV violations. Because of their minor nature, these “minor” violations are not the subject of formal enforcement action and are not usually documented in inspection reports.

Appendix B, Examples of Minor Issues, contains examples of minor issues which are violations of requirements but have insignificant safety, safeguards, or regulatory impact or have no more than minimal risk. The appendix explains how to determine whether or not the issue is minor.

0616-06 DOCUMENTING NONCOMPLIANCES.

The primary guidance for all matters related to enforcement, including documentation, is given in the “NRC Enforcement Policy” and the “NRC Enforcement Manual.” The following discussion summarizes certain aspects of that guidance related to inspection reports.

06.01 Types of Noncompliance. The manner of documenting a noncompliance in the inspection report depends on how that noncompliance will be dispositioned. A noncompliance may be addressed as a minor violation, a non-escalated enforcement action (i.e., a cited SL IV violation or NCV, a deviation, or a nonconformance) or as an escalated enforcement action (i.e., an apparent SL I, II, or III violation).

Note that a noncompliance may not be documented simply as a “licensee failure,” or a similar informal characterization. If the report describes a condition or event in a manner that suggests to the reader that a violation may have occurred, then the finding must be clearly dispositioned. If a violation exists, it should be dispositioned as an NCV, SL-IV violation, or an apparent violation. If a violation does not exist (e.g., no requirement exists in this area), it may be appropriate to clarify the finding by stating that “this condition [or event] does not constitute a violation of NRC requirements.” If it cannot be determined if a violation exists, due to **the current** lack of sufficient information **from either the licensee or NRC**, it may be dispositioned as a URI.

- a. Non-Escalated Enforcement Actions. Most violations of low significance (i.e., more than minor concerns) fall into the SL IV category. If at the time of issuing the inspection report a violation has been categorized at SL IV, then an NOV is generally sent out with the inspection report, as a “non-escalated” EA. The cover letter for reports that include non-escalated EAs should follow the appropriate “NRC Enforcement Manual” guidance.

Whether an NOV accompanies the report or is issued later, the designation of SL is made in the NOV itself. However, to substantiate the significance of the violation, the four part format (Section 0616-07) should contain the logic for determining the significance with possible reference to a specific Enforcement Policy violation example, if applicable.

Deviations and nonconformances are also considered non-escalated enforcement actions. When a licensee fails to meet a regulatory commitment or to conform to the provisions of an applicable code or industry standard, the failure may result in a Notice of Deviation. When a vendor or certificate holder fails to meet a contract requirement related to NRC activities, the failure may result in a Notice of Nonconformance. While less frequently issued than SL IV NOV's, these non-escalated EAs follow a similar format and require a similar level of report detail.

- b. Non-Cited Violations. Licensee-identified (See 0616-11), and in certain cases Self-revealing or NRC-identified Severity Level IV violations at facilities with NRC-approved corrective action programs may be dispositioned as NCVs using the four-part write-up. For additional guidance see "NRC Enforcement Policy" Section 2.3.2.
- c. Potential Escalated Enforcement Actions. When an issue is being considered for escalated EA, the inspection report should refer to the potential noncompliance as an "apparent violation." The report should not include any speculation on the SL of such violations nor on expected NRC enforcement sanctions. Potential EAs, by their nature, require further Agency deliberation (and, usually, additional licensee input) to determine the appropriate SL and NRC action.

Similarly, reports that discuss apparent violations should be carefully constructed to avoid making explicit conclusions (i.e., final judgments) about the safety or safeguards significance of the issue. The report should include any available details that demonstrate safety or safeguards significance, or that would help in making such a decision and should also describe any corrective actions taken or planned by the licensee. However, since a potential escalated enforcement action automatically entails further evaluative steps, neither the inspection report details nor the accompanying cover letter should present a final judgment on the issue.

06.02 Supporting Details and Discussions of Safety or Safeguards Significance. The discussion of noncompliance issues must be sufficiently detailed to substantiate any NRC safety, safeguards, and regulatory concerns and to support any enforcement sanction the NRC may choose to issue. At a minimum, for a violation, the report should state:

- a. What requirement was violated;
- b. How the violation occurred;
- c. When the violation occurred, and how long it existed;
- d. Who identified it, and when;
- e. Any actual or potential safety consequence;
- f. The root cause (if identified);

- g. Whether the violation appears isolated or programmatic;
- h. What corrective actions have been taken or planned; and
- i. Who was involved with the violation (i.e., management involvement or low-level individual)?

The degree of detail necessary to support an enforcement action is a function of the significance and complexity of the noncompliance.

Although supporting details clearly assist in determining the safety or safeguards significance of the noncompliance, inspectors should be cautious in making direct statements regarding safety or safeguards significance in the inspection report details. Violation **severity levels**, as described in the “NRC Enforcement Policy”, are based on the degree of safety or safeguards significance involved. In assessing the significance of a noncompliance, the NRC considers four specific issues: (1) actual safety or safeguards consequences; (2) potential safety or safeguards consequences, including the consideration of risk information; (3) potential for impacting the NRC’s ability to perform its regulatory function; and (4) any willful aspects of the violation. As a result, if an inspection report refers to a noncompliance as being “of low safety or safeguards significance” (the meaning of which could be interpreted as implying that the noncompliance did not result in any actual adverse impact on equipment or personnel), the writer may have inadvertently made it difficult for the NRC to subsequently decide that the potential for an adverse impact or the regulatory significance of the noncompliance warrants issuance of a SL III violation. Therefore, when characterizing the safety or safeguards significance of a violation, the inspector should address both the actual and potential safety or safeguards and regulatory consequences of the violation.

06.03 Noncompliance Involving Willfulness. Inspection reports should neither speculate nor reach conclusions about the intent behind a violation, such as whether it was deliberate, willful, or due to careless disregard. As with any observation, the report discussion should include relevant details on the circumstances of the violation without making a conclusion about the intent of the violator.

EXAMPLE: “The technician failed to follow established sampling procedures, although he had informed the inspectors earlier that he had been properly trained on the use of the proper tools and technique;” not, “The technician deliberately failed to take QA samples using established procedures.”

Conclusions about the willfulness of a violation are agency decisions, and are normally not made until after the OI has completed an investigation. A premature or inaccurate discussion of the willfulness of an apparent violation in the inspection report could result in later conflicts based on additional input and review. Inspection reports that include potentially willful violations are to be coordinated with OI and the OE.

0616-07 DOCUMENTING VIOLATIONS USING THE FOUR-PART FORMAT

The four-part format should be used for documenting more-than-minor violations and is organized as follows:

- Introduction
- Description
- Analysis
- Enforcement

Violations for which enforcement discretion has been granted will normally be documented using the four-part format under the applicable inspectable area. However, when discretion is granted in accordance with an Enforcement Guidance Memorandum, the Enforcement Guidance Memorandum should be consulted for additional guidance which could direct deviation from the four-part format.

07.01 Introduction. The introduction should be one or two sentences that provide a brief discussion of the violation. This section does not need to stand alone because the description that follows will provide the supporting details. The introduction should include:

- a. The Severity Level (or identification as an Apparent Violation)
- b. The identification credit (self-revealing, NRC-identified, or licensee-identified)
- c. The requirement violated and whether it is being cited (NOV) or non-cited (NCV)

07.02 Description. The description must describe the circumstances associated with the violation and include the supporting factual information that will be used to support the justifications used in the analysis and enforcement section determinations. Additionally, if the violation was determined to be NRC-identified because the inspector identified a previously unknown weakness in the licensee's classification, evaluation, or corrective actions, the description should provide evidence that the licensee had identified the issue and had failed to properly classify, evaluate, and/or correct the problem. The description must include sufficient detail commensurate with the significance for the reader to understand the issue, evaluation of significance, and enforcement conclusions. Where applicable, the write-up should include a description of any positive licensee performance that mitigated a potential problem and influenced the significance. Most violations are based on relatively simple circumstances, can be described in less than one page and should rarely exceed two pages. Violations based on more-complex circumstances may merit more discussion.

07.03 Analysis. The level of detail must allow a knowledgeable reader to reconstruct the decision logic used to arrive at the final conclusion. The analysis must include the following:

- a. A concise restatement of the violation. Identify the requirement that was not met and how the licensee failed to meet it.
- b. The applicable More-than-Minor screening question found in IMC 0616 Appendix B and the reason why that question was answered “yes” for this finding.
- c. Actual and potential safety and/or regulatory significance, including discussion of the safety margin and duration of the violation.
- d. Logic used to determine the Severity Level of the violation including a specific reference to the NRC “Enforcement Policy” examples as applicable.

07.04 Enforcement. Noncompliances are documented in accordance with the “NRC Enforcement Policy.” The enforcement section must include the following for violations which do not receive enforcement discretion (except as noted below):

- a. What requirement was violated and how it was violated (this requires a “contrary to” statement consistent with guidance in the “NRC Enforcement Manual,” using language that is parallel to that of the requirement).
- b. When the violation occurred and how long it existed (use bracketing dates or date and duration. Reflect when estimated or ongoing at time of exit).
- c. Any actual or potential safety consequence.
- d. Immediate corrective actions taken to restore compliance or ensure adequate safety. If the planned corrective action is still being evaluated, a sentence stating why continued noncompliance does not present an immediate safety or security concern. If an NOV is being used to disposition a violation normally dispositioned as a NCV, additionally describe the circumstances in accordance with Section 2.3.2 of the “NRC Enforcement Policy.” Reference to licensee documents associated with corrective actions should be included.
- e. A reference to any established licensee’s corrective action document number.
- f. Specific enforcement actions including documenting any enforcement discretion granted in accordance with an existing Enforcement Guidance Memorandum, should be documented.
- g. Tracking number and title resulting from the violation (e.g., NCV, NOV, or AV [Tracking Number], Title).
- h. A statement similar to:
 - 1. For NCVs: “This violation is being treated as an NCV, consistent with Section 2.3.2 of the “NRC Enforcement Policy.” The violation was entered into the licensee’s corrective action program as [###]. (NCV 07000XXX/201X0XX-XX; 07000XXX/201X0XX-XX, [title])”

2. For NOVs: "This is a violation of [requirement]. A Notice of Violation is attached." Also, for NOVs, see the Enforcement Manual for guidance on developing the notice and cover letter.

For a violation in which enforcement discretion is applied, work with the Office of Enforcement through the Regional Enforcement Coordinator to develop appropriate wording for the Enforcement Section. See the "NRC Enforcement Manual" for standard paragraphs to be included.

0616-08 UNRESOLVED ITEMS

08.01 Opening. An inspector should open an unresolved item when an issue of concern is identified but more information is required to determine one or more of the following:

- Is the issue of concern a noncompliance
- Is the noncompliance More-than-Minor

An unresolved item cannot be used to determine the significance of a finding, to track completion of licensee's actions associated with a finding or an inspection question, or to determine if enforcement discretion should be granted for a violation. The action of documenting an unresolved item is a commitment of future resources.

The unresolved item should be documented using the introduction and description sections discussed in Section 0616-07, "Documenting Findings Using the Four-Part Format." Because unresolved items are not findings, the analysis and enforcement sections are not required. The introduction section should clearly state that an unresolved item was identified. The description section should describe the issue with sufficient detail to allow another inspector to complete the inspection effort, if necessary. The report must clearly identify the specific licensee or NRC actions needed to resolve the issue. Include a tracking number for the unresolved item in accordance with Section 0616-07, "Documenting Findings Using the Four-Part Format."

Do not document unresolved items in the summary section or in the inspection report cover letter.

08.02 Follow-up and Closure. The level of detail devoted to closing unresolved items depends on the nature and significance of the additional information identified. Documentation of the closure of an unresolved item must include a summary of the topic and the inspector's follow-up actions, evaluation of the adequacy of any licensee actions, and determination of whether a violation or finding has occurred. Sufficient detail must be provided to justify closing the item. If resolution to an unresolved item was based on discussions between inspector(s) and Nuclear Material Safety and Safeguards (NMSS) technical staff, concisely document the details of these discussions as the basis for the regulatory decision. Additionally, branch chiefs of inspector(s) and technical staff(s) who were involved in these discussions should concur on the inspection report.

If a violation is identified, follow the guidance of Section 0616-07, "Documenting Violations Using the Four-Part Format." The violation should be documented in the inspectable area section of the report in which the original URI was documented. If no violations were identified, document the resolution in the Other Areas Section of the report.

0616-09 CLOSURE OF LICENSEE EVENT REPORTS (LERs)

Document reviews and closures of LERs, including revisions to LERs, in the inspection report in the Other Areas Section. If inspection documentation in another section of the report provides a description of the event in the LER, then reference that section in the Other Areas Section with a very brief description. The event number should also be placed on the cover letter after any EA numbers.

In general, LER reviews should have a brief description of the event and reference the docketed LER. If an LER review is already documented in a separate NRC correspondence, then close the LER with a brief statement in an inspection report referencing the separate correspondence. In addition, document closure of the LER as follows:

- a. No Violations. No NRC-Identified or Self-Revealed Findings, and No Licensee-Identified findings with pending or preliminary significance. Include a statement similar to "The Licensee Event Report was reviewed. No violations of NRC requirements were identified".
- b. Minor Violations. Use guidance in Section 0616 Appendix B, "EXAMPLES OF MINOR ISSUES." Documented as specified in Section 0616-12, Minor Issue and Minor Violation.
- c. Licensee-Identified NCVs. The safety significance and enforcement should be discussed per Section 0616-11, "Licensee-Identified Violations".
- d. NRC-Identified or Self-Revealed violations. Licensee-Identified apparent violations with pending or preliminary significance, or NCV's that are not Licensee-Identified should use Section 0616-07, "Documenting Violations Using the Four-Part Format," if not previously documented.

0616-10 CLOSURE OF CITED VIOLATIONS

After receipt of the licensee's response to a Notice of Violation and completion of any necessary inspections, document the closure of cited violations in the Other Area Section of the report. The level of detail required to document closure of cited violations depends on the extent of corrective actions conducted by the licensee. In general, the write-up must summarize the inspector's follow-up actions to evaluate the adequacy of any licensee actions and provide enough detail to justify closing the violation.

0616-11 LICENSEE-IDENTIFIED VIOLATIONS

NRC policy requires that all identified noncompliances be dispositioned in accordance with the “NRC Enforcement Policy,” regardless of who identified them. Particular attention should be given to screening all documented noncompliances captured in docketed communications such as those associated with required reporting (10 CFR 40.60, 70.50, 70.52, 71.95, 73.71, 74.11, 74.43, 74.57, 74.59, 20.2201, 20.2202, 20.2203, and 95.57) and voluntary reports submitted at the licensee's discretion.

11.01 Licensee-identified Violations. Licensee-identified violations which meet the requirements for an NCV in accordance with Section 2.3.2 of the Enforcement Policy should receive minimal documentation in the Other Areas Section of the inspection report. These **licensee-identified**, non-cited violations associated with violations of very low safety/security significance or which are Severity Level IV, are not considered during **the** licensee performance **review** in order to prevent discouraging an aggressive problem identification process.

For licensee-identified NCVs or SL IV violations document the following:

- a. Describe what requirement was violated and how it was violated (this requires a “contrary to” statement consistent with guidance in the Enforcement Manual)
- b. Provide a reference to the licensee's corrective action document number
- c. Briefly describe the Severity Level categorization in accordance with the Enforcement Policy supplements

All other non-minor violations, including NCVs, should be documented using the “Four-Part Format.”

Typically an NCV is a non-willful violation. The “NRC Enforcement Policy” provides criteria that may allow a noncompliance to be characterized as an NCV despite evidence of willfulness. The criteria, as outlined in section 2.3.2 of the NRC Enforcement Policy, must be met to consider this designation. The inspection report should include additional discussion to address these criteria before providing the standard conclusive language. For example: “Although this violation is willful, it was brought to the NRC’s attention by the licensee, it involved isolated acts of a low-level individual without management involvement, and the violation was not caused by a lack of management oversight, and it was addressed by appropriate remedial action. Therefore, this non-repetitive, licensee-identified and corrected violation is being treated as a Non-Cited Violation, consistent with Section 2.3.2 of the ‘NRC Enforcement Policy’.”

11.02 Violations Identified as Part of the Licensee's Self-Assessments or as Part of Licensee Problem Identification and Resolution (PI&R) Programs. Under certain circumstances, a violation that could be classified as a non-cited violation (NCV) need not be documented. This

is generally justified when the licensee identifies the violation and enters it into its corrective action program or established PI&R program. As a matter of policy, the NRC seeks to encourage licensee problem identification and resolution efforts, and seeks to avoid the negative impact that can result from a redundant NRC emphasis on problems which the licensee's responsible action has already identified and corrected.

For example, suppose that while evaluating the licensee's quality assurance efforts in the fire protection area, an inspector reviews relevant audits and surveillances conducted over the previous year. The review reveals that the audits have been probing and thorough; the findings are well-developed and technically sound, and include six noncompliance issues, four of which might be classified at SL IV.

In such a case, the inspector should follow up on the noncompliances and other audit findings to ensure that root causes have been appropriately assessed, that appropriate and comprehensive corrective actions have been taken, and that no new examples of the violations exist. Provided, however, that no new problems are revealed during this follow-up, the inspector normally is not expected to cite the four violations individually, nor to report the details of those violations in the inspection report. Instead, the NRC report findings and conclusions should assess the adequacy of the licensee's quality assurance efforts, including a clear reference to the name, dates, and general subject matter of the audit or self-assessment.

Similarly, if operators or supervisors identify a noncompliance during their normal duties or as part of a peer review or licensee self-assessment, the process described above for noncompliances from audit findings should be followed.

NOTE: This expectation only applies to SL IV violations and non-willful violations. Even when identified through a licensee self-assessment, violations that could be categorized at SL III or above must be documented in the inspection report and given appropriate follow-up.

The inspection report might document one or more of the violations found in a licensee self-assessment or formal corrective action program due to the safety significance or generic implications of the particular item. Technical details surrounding the violation may provide useful insight on equipment or system reliability, or on some aspect of human performance. In some cases, the inspector may decide to pursue additional follow-up of a particular licensee finding because of related licensee problems, previous NRC observations or violations involving the same or a related topic, or emerging agency or industry sensitivity in the given technical area.

If, for any of these reasons, the issuing office decides to discuss a particular licensee self-assessment finding or audit finding in the inspection report and that finding involves a violation, then the violation must be clearly dispositioned in the report. The violation may be dispositioned as an NCV unless any one of the circumstances listed in Section 2.3.2 of the "NRC Enforcement Policy" results in an NOV requiring a formal written response from the licensee. If the issue represents a minor violation, it should be documented as follows: "Although this issue must be corrected, it constitutes a violation of minor significance that is not subject to enforcement action in accordance with section 2.3.1 of the 'NRC Enforcement Policy'."

0616-12 MINOR ISSUES AND MINOR VIOLATION

Minor violations are not routinely documented in inspection reports. However, they may be documented when specifically allowed by an inspection procedure or temporary instruction, or when it becomes necessary to capture a required inspection activity or conclusion for the record such as closing out an LER or unresolved item. When a minor violation is documented, sufficient detail must be provided to allow an informed, independent reader to understand the basis for the minor determination. Each minor violation documented should include:

- a. Briefly describe the minor violation
- b. State the reason why the violation is minor in accordance with IMC 0616 Appendix B More-than-Minor screening questions or the Enforcement Policy as applicable
- c. For violations, state that the licensee has taken actions to restore compliance and include a statement similar to the following: "This failure to comply with [requirement] constitutes a minor violation that is not subject to enforcement action in accordance with the 'NRC Enforcement Policy'."

0616-13 OTHER GUIDANCE

13.01 Treatment of Third Party Reviews. Detailed NRC reviews of Institute of Nuclear Power Operations (INPO) evaluations, findings, recommendations, and corrective actions, or other third party reviews with similar information are not referenced in NRC inspection reports, tracking tools, or other agency documents unless the issue is of such safety significance that no other reasonable alternative is acceptable. INPO findings, recommendations and associated licensee corrective actions are not normally tracked by the NRC. If a finding warrants tracking, it should be independently evaluated, documented, and tracked as an NRC finding.

INPO findings, recommendations, corrective actions, and operating experience which are placed in the licensee's corrective action program, can be considered appropriate for inspection. Additionally, when documenting review of these issues, inspection reports should not refer to any proprietary INPO reports or documents, INPO reference numbers, or identify specific sites when referencing operating experience. If it is necessary to document review of an INPO document (i.e., an evaluation referring to the INPO document was an inspection sample), then state the reference number of the reviewed item and provide general words for the title, if applicable (e.g., "Condition Report 235235 concerning industry information on pumps.")

If documenting review of an INPO evaluation, in accordance with Executive Director of Operations Policy 220, include, in Other Areas Section, a short statement that the review was completed. Do not include a recounting or listing of INPO findings or reference a final INPO rating when documenting an INPO evaluation. Discuss the specifics of any significant differences between NRC and INPO perceptions with regional management.

13.02 Treatment of Sensitive Unclassified Non-Safeguards Information (SUNSI) in Non-Security Related Reports. SUNSI must not be made publicly available and must be segregated from other portions of the report which are to be made publicly available. This can typically be accomplished by creating and referencing a separate report enclosure which can be profiled in Agencywide Documents Access and Management System (ADAMS) as “Non-Publicly Available.” The documents containing SUNSI must be marked in accordance with Management Directive 12.6, “NRC Sensitive Unclassified Information Security Program.” The NRC policy for handling, marking, and protecting SUNSI is publicly available on the NRC Public Web site at <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2005/2005-0054comscy-attachment2.pdf>. Additional staff guidance for handling of SUNSI is published on the NRC internal WEB site at <http://www.internal.nrc.gov/sunsi/>.

13.03 Amending Inspection Reports. When it becomes necessary to correct an issued report, the previously issued report should generally be revised and reissued in its entirety under the same inspection report number. The revised report would receive a new and unique ADAMS accession number and should include an appropriate cover letter explaining why the report is being reissued. Note that a revised inspection report must not be used to document new inspection findings or inspection activities which occurred after the initial report was issued. Also, note that depending on the nature of the correction, it may be more appropriate to discuss the change in a future report, rather than to go back and reissue a complete report.

13.04 Plain Language. Inspectors will use plain language in reports. For additional guidance, inspectors should refer to NUREG-1379, “NRC Editorial Style Guide.”

0616-14 GUIDANCE FOR INSPECTION REPORT CONTENT

Inspection results shall be reported to the licensee by issuance of an inspection report consisting of a cover letter signed by the organization Branch Chief or Division Director responsible for the program, depending on the significance of the inspection findings, an NOV if applicable, an inspection cover sheet, and report details.

The NRC Inspection Report is the document that states the official Agency position on what was inspected, what the inspectors observed, and what conclusions were reached relating to the inspection. All enforcement, routine and escalated, and all other Agency actions which may derive out of an inspection (such as Orders) will be based upon the associated inspection report. Inspection reports must be clear, accurate, consistent and complete.

This section provides general guidance on the contents of inspection reports for fuel facility inspections. The Region or FCSS may prepare additional instructions or guidance on inspection reports based on the specific needs of the programs they manage. Flexibility is provided in this area because of the many disciplines covered by fuel cycle inspections. The level of detail desired in inspection reports is illustrated in report examples referenced in section

14.03. Because fuel cycle inspections cover a variety of inspections, the inspector is advised to follow the example of a report from the particular discipline or a similar discipline. Some disciplines call for a more detailed description than others. In general, provide enough detail that the report will be understandable and also useful in the subsequent inspection(s).

14.01 Inspection Report Package Contents. Fuel cycle inspection reports include the following elements, arranged in the order listed:

a. Cover Letter. The purpose of the cover letter is to transmit the inspection report results. Inspection reports are transmitted using a cover letter from the applicable NRC official as delegated by NRC Headquarters or the Regions to the designated licensee executive.

1. Cover Letter Content. Cover letter content varies somewhat depending on whether the inspection identified violations. In general, however, every cover letter is based on a standard letter from the “NRC Enforcement Manual” Appendix B and has the same basic structure, as follows:

Addresses, Date, and Salutation. At the top of the first page, the cover letter begins with the NRC seal and address, followed by the date on which the report cover letter is signed and the report issued.

For cover letters transmitting report details with findings assigned an EA number, the EA number should be placed in the upper left-hand corner above the principal addressee’s name. The EA number should be placed into the ADAMS profile of the document for the case/reference number. Additionally, on event-related documents, the Nuclear Materials Events Database (NMED) number, Fuel Cycle Nuclear Materials Events Database (FCNMED) number, or NRC Event number should also be included on the document below the EA number.

The name and title of the principal addressee is placed at least four lines below the letterhead, followed by the licensee’s name and address. Note that the salutation is placed after the subject line.

2. Subject Line. The subject line of the letter should state the facility name (if it is not apparent from the Addressee line), the docket or license number, and inspection subject. The words “NOTICE OF VIOLATION” (or “NOTICE OF DEVIATION,” etc.) should be included if such a notice accompanies the inspection report. The entire subject line shall be capitalized.

3. Introductory Paragraphs. The first two paragraphs of the cover letter should give a brief introduction, including the type of inspection report.

4. Body. The body of the letter should discuss the most important topics first.

The cover letter is written to transmit the inspection report to the licensee’s management, and to deliver the “big picture” message regarding the inspection.

Because it is the highest-level document, it does not need to (and normally won't) detail all the items inspected and the inspection procedures used. It will note the areas covered by the inspection. The cover letter must never contain any significant information which is not also contained in the executive summary and supported in the report details.

The tone of the cover letter must have a correct balance. The NRC focuses on performance issues. If a licensee performed some activity 100 times, and succeeded 99 times, we will be most interested in the single failure. But that does not mean that the cover letter will make it appear that the licensee rarely **did** succeed. The safety and regulatory significance of any licensee failure will be a primary consideration, above and beyond the numerical frequency of failure compared to success.

The cover letter must always be consistent with the inspection report. In addition, it must be consistent with the information which the inspector conveyed to licensee managers at the exit meeting. If the inspector's understanding of the facts or the significance of the findings changes after the exit meeting, the NRC shall call the licensee and re-exit. The re-exit should be documented in the cover letter. There should never be any surprises in a cover letter to anyone who was present at the exit meeting.

Lastly, the cover letter usually should not contain recommendations. There should not be any statements to the effect, "The licensee needs to..." or, "The licensee should..." If the licensee is not meeting safety or regulatory requirements, the statements should clearly show those facts. If the NRC believes that a licensee cannot ensure the safety of its activities, then an Order or some similar official action may be appropriate. Guiding licensee decision-making through the use of a cover letter to an inspection report is not the appropriate method for accomplishing this type of action.

The content of a publically-available cover letter to a non-public inspection report and Notice of Violation should be limited. The cover letter should closely follow the template provided in the Enforcement Manual. The number and severity level of the violations identified should be stated, if the violations are non-cited violations or severity level IV violations. The number of violations pertaining to escalated enforcement should also be stated; however the specific severity level should not be given. In all cases, the content of the violations shall be withheld and the Notice of Violation shall not be included on the public docket. The specific regulation that the licensee was in violation of should not be specified. The type of inspection (MC&A, physical security, information security, etc.) should not be specified in the publically-available cover letter.

A publically-available cover letter should accompany all security and safeguards-related inspection reports that include enforcement information, including but not limited to choice letters, conference letters, PEC letters, and final determination letters. In the instance that a security or safeguards-related inspection report does not contain a Notice of Violation, the publically-available cover letter should clearly state this.

However in rare and exceptional instances, the NRC may choose not to release a cover letter or enforcement document with security-related violations when the information could potentially increase the security risk of a licensee or when another Federal agency requests the NRC not to issue any public notifications regarding a specific event. On a case-by-case basis, NRC senior management from the office issuing the cover letter of an enforcement document, the Office of Nuclear Security and Incident Response (NSIR), the Office of Enforcement (OE), the Office of the General Counsel (OGC) and the Office of Investigations (OI) (for cases involving OI reports) will determine when withholding a cover letter of an enforcement document is appropriate after reviewing specific circumstances of the case.

5. Closing. The final paragraph consists of standard legal language that varies depending on whether enforcement action is involved.

The signature of the appropriate NRC official is followed by the docket number(s), license number(s), enclosures, and distribution list.

- b. Notice of Violation (If Applicable). Licensees are officially notified that they have failed to meet regulatory requirements when NRC issues an NOV. An NOV may be sent to licensees as part of a package of documents which also includes a cover letter and associated inspection report. An NOV may be sent with a cover letter which refers to an inspection report that was distributed previously. An NOV should not be sent to the licensee in advance of the inspection report.

Every NOV must be clear, so that there is little doubt that the licensee (or other interested reader) can understand the basis for the violation. The licensee may not agree with the NRC basis, but they must understand the NRC position.

Every NOV must clearly state what requirement was not met. That may mean that the date and revision number of the applicable document will need to be provided. Then, a clear statement of what happened (including when and for how long, if the timing is important) will be provided. The intention is that any interested reader will be able to clearly see and understand what the requirement was and how it was not met. For additional guidance on documenting violations, refer to the "NRC Enforcement Manual." The NOV should be an enclosure to the cover letter. Additional guidance on EAs is found in Section 06 of this document.

- c. Cover Page. The report cover page gives a quick-glance summary of information about the inspection. It contains the docket/certificate number, report number, facility name, dates of inspection, names and titles of participating inspectors, and name and title of the approving NRC manager.
- d. Executive Summary. The executive summary section of the inspection report highlights the most significant conclusions. The executive summary should open with the facility name, NRC inspection report number, dates of the inspection as well as the type of inspectors and inspections conducted.

The body of the executive summary is organized into sections by inspection area, corresponding to the sections of the report. There may be conclusions in the body of the inspection report, which are of minor significance, so it is not necessary that every conclusion in the report details be repeated in the executive summary. There should never be any conclusions in the executive summary which are not clearly and directly derived from the conclusions developed in the body of the report. Open items are not to be listed in the summary. However, the summary may include a description of the safety related issues which initiated the open item. If a notice of violation is issued, the violation should be mentioned in the Executive Summary.

- e. Table of Contents (If Applicable). For Reports that are considered complicated or are of significant length (e.g., the Report Details section to the Exit Interview section is more than 20 pages long), the writer should include a table of contents as an aid to clarity.
- f. Report Details. The Report Details contain the documented description of inspection activities conducted and the inspector's conclusions. In most cases, the report details will be organized into one or more sections, each addressing an area of inspection. Each inspection section will be rolled up to a Functional Area that is used in the Licensee Performance Review Process.

The Report Details begin with a Summary of Plant Status. This section includes a general summary of the operational status of the facility during the inspection. Subsequent sections include, when appropriate, the Functional Areas that are used in the Licensee Performance Review Process (IMC 2604). These Functional Areas are Safety Operations, Safeguards, Radiological Controls, Facility Support and Other Areas. These Functional Areas are further divided into sections defined by the inspection procedures. Each section contains the details of the inspection and is divided into an (1) Inspection Scope and Observations and (2) conclusion portion. These sections are discussed in more detail below.

- 1. Inspection Scope and Observations. This section is the foundation of the inspection report. The section details the specific items such as equipment or programs that were inspected and the regulatory standard that was used to determine if the licensee was in compliance with the regulatory standard. In most cases, the approach that can be used in writing the scope should be consistent with the Inspection Procedure (IP) which was used in performing that portion. When describing the Scope, it is acceptable to state either what the inspector(s) did, or what the inspection accomplished. That is, a Scope section could be phrased, "This inspection included a review (or observation, or evaluation, etc.) of...." or it could be written as, "The inspectors reviewed (observed, evaluated) the...." The Scope statements might also describe why certain items were inspected. For example, "...to determine compliance with...."

There should always be a readily-identifiable connection between the stated Scope and the items that the inspector reviewed. Thus, if the Scope was to review personnel dosimetry records, the inspector should not include issues associated with packaging and shipping problems. The scope may, when

germane to the inspection, include (1) how the inspection was conducted (i.e., the methods of inspection), (2) what was inspected, (3) approximately when each activity was performed, (4) where the inspection took place (i.e., what room(s) or buildings) and (5) the inspection objectives and/or criteria for determining whether the licensee is in compliance.

For inspections that identify noncompliances (violations) the inspector's documentation will need to be relatively detailed compared to the other parts of the report. The amount of detail will be as much as is needed to make clear what was found, and whether it was significant. In these cases the inspector should use the Four-Part format, as described in Section 0616-07, Documenting Violations Using the Four-Part Format, to accurately characterize the violation.

For safeguards reports that contain Official Use Only or Classified Information care must be taken to ensure the proper classification of the inspection report by a derivative classifier. If all the information required by the Four-Part write-up will not be included to maintain the report at a lower classification, the Office of Enforcement should be consulted prior to issuance of the report. If it is determined that information cannot be removed then the report must be classified at the appropriate level.

The inspector should note that conclusions about the willfulness of a violation are agency decisions and are normally not made until after the Office of Investigations has completed an investigation. A premature or inaccurate discussion of the willfulness of a violation in an inspection report could result in later conflict based on additional input and review. Do not speculate or draw conclusions about the intent behind a violation. Inspection reports that include potentially willful violations or that contain material that may be related to an ongoing investigation must be reviewed by the Office of Investigations and the Office of Enforcement prior to issuance.

2. **Conclusions.** The Conclusions are the determinations of whether the licensee is meeting regulatory requirements in the area inspected. Every conclusions section will either briefly summarize the findings or have a statement similar to "No violations of NRC requirements were identified" or "No findings of significance were identified" if there are minor violations. If a violation is identified, the conclusion shall briefly state that a violation of NRC requirements was identified. For example, "One Severity Level IV violation of NRC requirements was identified" or "One Non-Cited violation of NRC requirements was identified."
3. **Open Items.** Open items reviewed during the inspection may be discussed in the Details section of a Report but the two paragraph format is not required. In addition, open items, such as Event Notifications, Licensee Event Reports and Follow-up on Previous issues, not discussed in other sections of the report may be summarized in the "Other Areas" section of the report. The two paragraph format is not required for these items. Also see licensee identified issues for further guidance on the amount of documentation that is required for these types of issues.

4. **Exit Meeting(s) Summary.** The final section of each inspection report briefly summarizes the exit meeting(s), which is also described in the first paragraph of the cover letter and identifies the most senior licensee manager who attended the meeting(s).

At the exit meeting, the inspectors should verify that the information the inspector reviewed during the inspection and intends to include in the report is not proprietary or classified. If the licensee does not identify any material as proprietary, the exit meeting summary should include a sentence to that effect. For fuel cycle facilities, most operations and information reviewed will be at least proprietary.

If the NRC's position on an inspection finding changes significantly after the exit meeting, that change should be discussed with the licensee before the report is issued.

Licensee responses should not be included in the summary except in cases where the licensee disagrees with the inspection findings. In that case, the summary should state that the licensee took exception to the findings.

If at the exit meeting or at any other time during the inspection, a licensee representative makes an oral statement that it will take a specific action in response to a noncompliance, the statement may be documented in the body of the report. Details of statements made at the exit meeting should not be included in the exit meeting summary. If such statements are discussed in the body of the report, care should be taken to determine if the statements represent the licensee's intent to make a commitment. Actual commitments from licensees to take specific actions to correct violations must be made in writing by the licensee. Licensees frequently discuss how they plan to correct potential violations, but oral statements of how corrections will be made are not commitments. A licensee is required to correct violations, and might take one of several approaches. The report cover letter must include a provision for the licensee to respond if the intent to make a commitment documented in the report does not accurately reflect the licensee's corrective actions or position. Licensee commitments are documented in licensee correspondence, after which the inspector may reference the correspondence in the inspection report.

Because regulatory commitments are a sensitive area, the inspector should ensure that any reporting of licensee statements are paraphrased accurately, and contain appropriate reference to any applicable licensee document.

14.02 Supplementary Information. The attachments discussed below are included at the end of the inspection report if applicable to the inspection. The attachments may be combined into a single attachment entitled "Supplementary Information."

- a. Key Points of Contact. List, by name (first initial and last name) and title, those individuals who furnished relevant information or were key points of contact during the inspection (except in cases where there is a need to protect the identity of an individual). The list should not be exhaustive but should identify those individuals who provided information related to developing and understanding findings. The list includes the most senior licensee manager present at the exit meeting and NRC technical personnel who were involved in the inspection if they are not listed as inspectors on the cover page.
- b. List of Items Opened, Closed, Discussed, and Updated. The report must include a quick reference list of items opened, closed, and updated, including the item type, the tracking number for the item, and the item title (used in PIM headers describing the item). Open items that were discussed (but not closed) should also be included in this list, along with a reference to the sections in the report in which the items are discussed. NCVs will normally be opened and closed in the initiating inspection report.
- c. List of Documents Reviewed. A list of the documents and records reviewed during an inspection must be included in the inspection report. The list need not include those reviewed documents and records already identified in the body of the report nor those which, upon review, were determined not to support the inspection scope and determinations.

The level of detail for listed documents must be sufficient to allow the NRC to retrieve the document from the licensee in the foreseeable future. Therefore, a unique identifier, which may include the tracking number, title, revision and/or date, must be provided for each document referenced.

- d. List of Inspection Procedures Used. A summary list of numbers and titles used during the inspection should be added in the inspection report.
- e. List of Acronyms. Acronyms should be spelled out when first used in inspection report text (e.g., Licensee Performance Review [LPR]). A list of acronyms should be included in the inspection report or referenced, when the report section is 20 pages or longer. When referenced, the list of acronyms should be made publically available for publically available reports.

14.03 Example Reports. The examples of fuel cycle inspection reports provided in ADAMS show the desired structure and recommended level of detail for Reports (see ML14140A148).

0616-15 RELEASE AND DISCLOSURE OF INSPECTION REPORTS AND ASSOCIATED DOCUMENTS

15.01 General Public Disclosure and Exemptions. Except for report enclosures containing exempt information, all final inspection reports will be routinely disclosed to the public. Information that should not appear in

an inspection report is described in 10 CFR 2.390 and 9.17. MD 8.8, “Management of Allegations,” addresses the manner in which an inspection report may be used to document allegation follow up activities. **Minor violations revealed during allegation follow up shall not be included in the inspection report as a minor violation.** IMC 0620, “Inspection Documents and Records,” provides guidance on acquisition and control of NRC records, including inspection-related documents.

Inspection reports containing ‘Official Use Only- Security Related Information’ will not be disclosed to the public. The number and severity of violations contained within these reports, however, will be stated in a publically-available cover letter. If the severity level of the violation is a non-cited violation or Severity Level IV violation, then the specific level should be listed. If the severity level of the violation is Severity Level I – III, then the publically-available cover letter should only state that the violation is escalated enforcement. The content behind these violations shall not be discussed on the public docket or in public meetings.

15.02 Release of Investigation-Related Information. When an inspector accompanies an investigator on an investigation, the inspector must not release either the investigation report or his or her individual input to the investigation report. This information is exempt from disclosure by 10 CFR 9.17, “Agency Records Exempt from Public Disclosure,” and must not be circulated outside the NRC without specific approval of the Chairman (refer to OI Policy Statement 23).

Attachments:

Appendix A - List of Acronyms and Abbreviations Used in this Inspection Manual Chapter
Appendix B – Examples of Minor Issues

END

APPENDIX A, LIST OF ACRONYMS AND ABBREVIATIONS USED IN THIS
INSPECTION MANUAL CHAPTER

ADAMS	Agency Document and Management System
AIT	Augmented Inspection Team
BC	Branch Chief
CFR	Code of Federal Regulations
CoC	Certificate of Compliance
DD	Division Director
EA	Enforcement Action
FCNMED	Fuel Cycle Nuclear Materials Event Database
FCSS	Fuel Cycle Safety and Safeguards
FOIA	Freedom of Information Act
GPO	Government Printing Office
IFI	Inspector Follow-up Item
IIT	incident Investigation Team
IMC	Inspection Manual Chapter
IROFS	Items Relied On For Safety
LPR	Licensee Performance Review
MD	Management Directive
NCV	Non-Cited Violation
NMED	Nuclear Materials Event Database
NMSS	Office of Nuclear Material Safety and Safeguards
NOV	Notice of Violation
NRC	Nuclear Regulatory Commission
OD	Office Director
OE	Office of Enforcement
OI	Office of Investigations
PDR	Public Document Room
PI&R	Problem Identification and Resolution
RA	Regional Administrator
SI	International System of Units
SL	Severity Level
TI	Temporary Instruction
URI	Unresolved Item
VIO	Violation

END

APPENDIX B, EXAMPLES OF MINOR ISSUES

The purpose of this appendix is to provide guidance to the U.S. Nuclear Regulatory Commission (NRC) staff regarding the threshold for minor and more-than-minor violations of requirements. The information contained in this section provides clarification and examples that may help the inspector determine if a violation is more-than-minor.

Minor Violations

Minor violations are of lower significance than Severity Level (SL) IV violations and are not typically the subject of formal enforcement action or documentation. Failures to implement requirements that have insignificant safety or regulatory impact should normally be categorized as minor.

“NRC Enforcement Manual,” Part 1 Section 2.1, “Minor Violations,” states that issues that represent isolated (i.e., “isolated” in that based on a reasonable effort, the staff determines that the issue is not recurring nor is it indicative of a programmatic issue such as inadequate supervision, resources, etc.) failures to implement a requirement and have insignificant safety or regulatory impact should normally be categorized as minor violations. For an issue to be considered isolated, it should not be indicative of a programmatic noncompliance. Recurring issues that are NOT indicative of a programmatic noncompliance, and have an insignificant safety or regulatory impact, should be considered minor.

While not normally documented, licensees must still correct minor violations.

Noncompliances Involving the Failure to Meet 70.61(b), (c), and (d) Performance Requirements

Noncompliances that result in the failure to meet the performance requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Paragraphs 70.61(b), (c), and (d) are generally considered more-than-minor. Refer to the specific examples contained in Section 6.2, Fuel Cycle Operations, of the “NRC Enforcement Policy,” and Inspection Manual Chapter (IMC) 2606, Assessment of the Change in Risk Resulting from a Violation at a Fuel Cycle Facility for additional guidance on determining the severity of the violation.

The failure of an IROFS within its analyzed failure rate does not necessarily constitute a failure to meet 70.61(b) and (c) performance requirements. Failure to properly identify and evaluate accident sequences, to establish or maintain IROFS, to perform management measures, or any other noncompliance that leads to an IROFS failure or being significantly degraded (understood as meaning its reliability and availability has been diminished to less than that relied on in the ISA) needs to be present for there to be a failure to meet the performance requirements of 70.61(b) or (c). In addition, the failure to identify and evaluate credible abnormal conditions or establish adequate margin of subcriticality would be a violation of performance requirement 70.61(d).

Screening Process

When determining whether identified issues can be considered minor, NRC inspectors should first review the applicable examples in Section 6.0, "Violation Examples," of the "NRC Enforcement Policy." If the noncompliance is similar to one of the examples in the "NRC Enforcement Policy" for a SL I, II, III, or IV violation, then the noncompliance is more-than-minor.

If the inspector cannot find a relevant example in the "NRC Enforcement Policy," then the inspector should ask the minor/more-than-minor screening questions contained in this appendix to determine if the noncompliance has a significant safety impact. All relevant questions from each of the fuel cycle functional areas may need to be asked to determine if the noncompliance is more than minor. Inspectors should consider using the specific examples at the end of this appendix to inform their responses to the screening questions.

In general, if the answer to all of the applicable screening questions is no, then the noncompliance is minor. Conversely, if the answer to any one of the screening questions is yes, the noncompliance is generally more-than-minor; however, before a final conclusion is reached, the inspector should also consider the overall increase in risk that may have resulted from the noncompliance. For example, in cases where the licensee credits a large number of controls for safety, a degraded or failed control (result of a noncompliance) may only slightly impact the risk of an accident. In contrast, in cases where the licensee only has a few controls, there may be a significant impact on risk as a result of the noncompliance. As another example, in cases in which a system is highly sensitive to a particular parameter, a degraded or failed control may significantly impact the risk, while in cases in which the system is relatively insensitive to the parameter being controlled; the change in risk may be negligible. In general, noncompliances that result in a slight change in risk should lead the staff towards a conclusion of minor and noncompliances that result in a significant change in risk should lead the staff towards a conclusion more-than-minor.

Screening Questions

General

1. Could the noncompliance reasonably be viewed as a precursor to a significant event?
2. If left uncorrected, would the noncompliance have the potential to lead to a more significant safety or safeguards concern?
3. Is the noncompliance indicative of a programmatic deficiency? (e.g., involves multiple examples of a failure to establish or implement an adequate program, process, procedure, management measure, or quality oversight function as described in the license application or license)
4. Does the noncompliance represent more than a paperwork issue (e.g., resulted in a physical impact on the plant) that adversely impacted personnel or nuclear safety?

Integrated Safety Analysis (ISA)

5. Does the noncompliance result in a change in risk such that the licensee fails to meet 10 CFR 70.61(b) or (c) performance requirements?
6. Does the noncompliance involve a failure by the licensee to designate an engineered or administrative control as an IROFS as required by 10 CFR 70.61(e) and is it required to meet 70.61(b) or (c)?
7. Does the noncompliance involve the failure of a management measure such that an IROFS would not be available or reliable to perform its intended safety function when needed as required by 10 CFR 70.61(e) and 70.62(d) and is it risk significant?
8. For facilities without an ISA, does the noncompliance represent a reduction in safety margin compared to the latest licensing documents and safety analysis?
9. Does the noncompliance adversely affect the ability of an IROFS or safety related component to perform its intended safety function?

Criticality Safety

10. Does the noncompliance result in a failure to meet the double contingency principle?
11. Does the noncompliance result in the criticality accident alarm system being unable to detect or activate an alarm signal (audible or visual) during a time period when fissile material was handled, used, or stored?
12. Does the noncompliance result in the failure to ensure that all nuclear processes are subcritical with an approved margin of sub-criticality for all normal and credible abnormal conditions as required by 10 CFR 70.61(d)?

Fire Protection

13. Does the noncompliance degrade the ability of a fire safety system or control to perform its intended safety function and is it determined to be risk or regulatory significant as defined in the Integrated Safety Analysis (ISA) or Fire Hazards Analysis (FHA)?

Primary Plant Modifications

14. Does the noncompliance involve a failure to properly perform a 10 CFR 70.72 evaluation where the licensee failed to obtain a license amendment for the change?
15. Does the noncompliance represent a non-conservative error in a specification, computer program, design report, drawing, calculation, safety analysis, or other design document that adversely impacts nuclear safety (e.g., IROFS, criticality controls, radiological exposure of personnel, etc...)?

Radiological Protection

16. Does the noncompliance involve the failure to establish radiological controls and lead to a significant unplanned or unintended intake or dose to an individual?
17. Does the noncompliance involve the ability of a radiation monitoring instrument to perform its intended safety function within a reasonable level of safety margin and considering the overall level of radiological hazard being monitored?
18. Does the noncompliance involve the spread of contamination beyond designated controlled areas and does it result in either significant unplanned exposure (either external or internal) or multiple personnel contamination events?

Environmental

19. Does the noncompliance result in a spill or release of radioactive material on the licensee's site or to the offsite environment?
20. Does the noncompliance result in the inability of the licensee to adequately measure or characterize an effluent release?
21. Is the noncompliance the result of improper calibration of an effluent monitor and does it result in a non-conservative inaccuracy in characterizing an effluent release?
22. Is the noncompliance associated with the licensee's radiological environmental monitoring program and is it contrary to NRC regulations, license, license application, or environmental report?

Radwaste/Transportation

23. Does the noncompliance result in exceeding radiation levels or 5 times the removable surface contamination limits for a transportation package as defined in 49 CFR 173 or 10 CFR Part 71?
24. Does the noncompliance result in the breach of a transport package?
25. Does the noncompliance involve a failure to identify the type, quantity, or form of the material and does it have the potential to result in unplanned personnel exposure or contamination?
26. Does the noncompliance involve an NRC-approved transport package Certificate of Conformance (CoC) design documentation deficiency, maintenance/use noncompliance, or contents deficiency of minor safety significance (i.e., not a geometry, weight, enrichment, or moderator specification nonconformance)?
27. Does the noncompliance involve a failure to meet a QA requirement and does it result in improper characterization, classification, or disposal of the waste?

28. Does the noncompliance involve a failure to properly characterize, classify, label, track, or dispose of radioactive waste and does it result in (1) the failure to meet a disposal facility's waste acceptance criteria, or (2) unplanned personnel exposure or contamination?

Emergency Preparedness

29. Is the noncompliance associated with a failure to implement a regulatory requirement during an actual emergency?
30. Is the noncompliance associated with the failure to comply with a regulatory requirement and does it at a minimum degrade (i.e., not fully effective or inappropriately delayed) the ability of the licensee to respond to an emergency as described in the licensee's Emergency Plan?
31. Does the noncompliance render an Emergency Action Level (EAL) initiating condition (IC) ineffective? (EALs may be rendered ineffective by unavailability or non-calibrated instruments relied upon by the EAL, errors in calculation of the EAL threshold, and by deficiencies in classification procedures, ERO staffing or training, or any other capability necessary to complete the classification or declaration)
32. Does the noncompliance involve the failure of the licensee to identify and correct deficiencies identified during an emergency exercise?

Material Control & Accounting

33. Does the noncompliance adversely impact or degrade the effectiveness of the MC&A program?
34. Does the noncompliance represent more than an isolated failure to establish or implement an adequate program, process, procedure, or quality oversight function as described in the Fundamental Nuclear Material Control Plan (FNMC)?

Physical Security

35. Does the noncompliance for Category I fuel cycle facilities adversely affect licensees' security system's and/or material control and accountability program's defense-in-depth approach and ability to protect against: (1) the design basis threat of radiological sabotage from external and internal threats or (2) the design basis threat of theft or diversion of special nuclear material from external and internal threats?
36. Does the noncompliance for Category II and III fuel cycle facilities adversely affect licensees' security system's and/or material control and accountability program's ability to: (1) minimize the possibilities for unauthorized removal of special nuclear material or (2) facilitate the location and recovery of missing special nuclear material?

37. Does the noncompliance for Conversion and Deconversion facilities adversely affect licensees' security system's and/or material control and accountability program's ability to: (1) protect hazardous chemical storage areas (2) protect against radiological sabotage or (3) protect against the loss, theft, or diversion of radiological materials, source material or byproduct material?

Minor/More-than-Minor Examples

1. Operations/Chemical Safety

Example a: Operators were starting up a furnace from a maintenance shutdown. They were at a temperature hold point where combustible gas was to be admitted in an inert concentration. The operators attempted to admit the gas, but two sequential isolation valves, once opened, failed shut. The operators found the manual isolation valve shut (normally open unless recovering from a long term shutdown) as the result of a required tag out of several components for the previous maintenance. The lock-out/tag out procedure requires steps or comments regarding system restoration following tag out release, specifically if the operating procedure does not cover component restoration. In this case, the reconfiguration instructions were missing.

The violation: The licensee failed to perform activities in accordance with site procedures as required by the license. The LO/TO procedure requires steps or comments regarding system restoration following tag out release if the operating procedure does not cover component restoration.

Minor because: The system was isolated in a safe configuration with no adverse nuclear or radiological safety impact on equipment/personnel and no ability to proceed further.

Not minor if: The system was in an unsafe configuration that adversely impacted nuclear or radiological safety of equipment/personnel; or there were indications of a programmatic breakdown in the LO/TO process.

NOTE: A LO/TO violation that adversely impacts life safety (e.g., injury or fatality), but does not impact nuclear or radiological safety, is considered an OSHA issue and is not enforceable under NRC requirements. Refer to the Memorandum of Understanding (MOU) between NRC and OSHA for additional information.

Example b: The inspector determined that the licensee was using an outdated version of an operating procedure to perform a system valve/component line-up prior to start-up of an ADU conversion area processing system. Correct valve configuration was credited as an administrative IROFS in the ISA. Licensee procedures require personnel to verify the correct version of the

procedure prior to use. The licensee credited procedure use and adherence and configuration management as management measures in the license application.

The violation: The licensee failed to implement management measures (procedure use and adherence and configuration management) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of Part 70.61.

Minor because: The procedure changes were minor or administrative; or the changes did not adversely impact the positioning or safety function of an IROFS.

Not minor if: The changes adversely impacted the positioning and safety function of an IROFS.

Example c: Post-maintenance testing was performed on five IROFS furnace temperature controllers during an outage at a fuel facility manufacturer. All the required tests were performed, based on statements from licensee workers, but there was no record that an actual post-maintenance test was conducted on one of the controllers. Based on indication in the control room, all temperature controllers had comparable temperature readings including the controller that did not have documented post-maintenance test results. Furnace temperature readings were within the required operating range. Recordkeeping and reporting was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (recordkeeping and reporting) per 10 CFR 70.61(e) and 70.62(d) for an IROFS due to a lack of documented test results (records) verifying that test requirements were satisfied.

Minor because: This was an isolated example of a record keeping issue of low safety significance. There was reasonable assurance that post-maintenance test requirements were met as evidenced by actual furnace temperature readings being within limits.

Not minor if: The temperature controller was determined to be degraded during subsequent testing and not capable of performing its intended safety function.

Example d: A licensee procedure required specific IROFS valves on a locked valve list to be locked as indicated on plant P&ID's. Inspectors identified IROFS designated valves on the locked valve list that were not indicated

as locked on the P&ID's. The licensee is required to implement a configuration management program to ensure that the information used to operate and maintain safety controls is kept current. Configuration management was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (configuration management) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: This is an insignificant drawing discrepancy; or the valves were found positioned/locked in positions did not adversely impact an IROFS safety function.

Not minor if: The valves were found positioned/locked in positions that adversely impacted an IROFS safety function.

Example e: The inspectors identified that an operator performing IROFS-related duties failed to meet operator requalification training requirements. Training and qualification was credited as management measure in the license application.

The violation: The licensee failed to implement management measures (training and qualification) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: All operations continued to be performed in a safe and controlled manner and the operator, when interviewed, exhibited a clear understanding of his/her assigned IROFS-related duties; or the discrepancy was the result of a minor administrative or training documentation error.

Not minor if: The operator incorrectly performed tasks that impacted the ability of an IROFS to perform its intended safety function; or when interviewed, the operator did not have a clear understanding of his/her assigned IROFS-related duties.

Example f: The inspectors identified during a walkdown that the differential pressure readings for ventilation HEPA filters were outside their normal operational band. The operating procedure requires the operators to log the readings once per shift. The primary safety concerns are failure to detect a filter breakthrough (low differential pressure) or filter overloading (high differential pressure). The inspector reviewed the latest operator logs and

determined that the operators had failed to log the readings during the previous two shifts. Procedure use and adherence was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (procedure use and adherence) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: Monitoring of HEPA filter differential pressure was not credited as an administrative IROFS in the ISA.

Not minor if: Monitoring of HEPA differential pressure was credited as an administrative IROFS in the ISA.

Example g: During a walkdown, the inspectors identified that operators routinely left a chemical supply valve open following each filling of the chemical column. The procedure requires that the valve be closed between chemical fills. Valve position verification was credited as an administrative IROFS in the ISA. Procedure use and adherence was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (procedure use and adherence) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: Failure to properly position the valve did not adversely impact the safety function of the component/system.

Not minor if: Failure to properly position the valve did adversely impact the safety function of the component/system.

Example h: During a walkdown of product staging columns, the inspectors identified numerous missing component identification tags, several tags on the floor, and loosely attached tags that had slipped away from components. Site conduct of operations procedures require that components be labeled. Procedure use and adherence was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (procedure use and adherence) as required by 10 CFR 70.61(e) and 70.62(d) to ensure

that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: Component labeling issues did not contribute to operational evolutions that adversely impacted nuclear safety (e.g., safety function of an IROFS) or radiological safety of personnel.

Not minor if: Component labeling issues did contribute to operational evolutions that adversely impacted nuclear safety or radiological safety of personnel.

NOTE: Component labeling issues that adversely impact personnel/life safety, but do not impact nuclear or radiological safety of personnel, should be handled by OSHA according to the Memorandum of Understanding between OSHA and NRC.

Example i: During a walk down, the inspectors identified numerous scales that were one to several days past their calibration due dates. The scales were designated as IROFS for the prevention of criticality. Maintenance, which includes calibration of IROFS equipment, was credited as a management measure in the license application.

The violation: The licensee failed to implement management measures (maintenance) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: Subsequent calibrations of the scales were satisfactory, requiring no adjustments; or the scales were not used since the last calibration; or the scales were out of calibration in the conservative direction.

Not minor if: Subsequent calibrations of the scales were unsatisfactory in the non-conservative direction.

2. Criticality Safety

Example a: During a criticality safety inspection, the inspector determined that the licensee failed to meet the double contingency principle which requires that at least two unlikely, independent, and concurrent changes in process conditions must occur before a criticality accident is possible.

The violation: The licensee failed to meet double contingency as required by 10 CFR 70.64(a)(9), which requires that the design provide for criticality control including adherence to the double contingency principle for new facilities

or processes. For existing facilities, adherence to the double contingency principle is specified as a license condition.

Minor because: The licensee only documented a subset of the changes in process conditions that would have to occur to cause a criticality. Upon further review and discussions with the licensee, the inspector determined that an additional, although undocumented for double contingency, unlikely, independent, and concurrent change in process conditions would have had to occur to result in a criticality.

Not minor if: Upon further review, the inspector determined that criticality could occur without at least two unlikely, independent, and concurrent changes in process conditions.

Example b: Following an audit of the licensee's NCS program by external auditors the licensee failed to enter the findings the auditors identified into their corrective action program.

The Violation: Failure to enter audit findings into their corrective action program as required by procedure. The use of procedures is credited as a management measure in the license application.

Minor because: The finding identified by the external auditors was merely a programmatic improvement to the licensee's NCS program or an editorial change.

Not Minor if: The finding identified by the external auditors was a noncompliance that the licensee failed to take corrective actions to correct.

Example c: The licensee identified that a required NCS signature for work on an out of service component had not been obtained. Licensee management identified the issue almost immediately and corrected the situation by performing the required NCS review.

The Violation: Failure to obtain the required NCS review and approval per procedure.

Minor because: It was identified and corrected by the licensee before the system was returned to service, or upon return to service the component was still able to perform its intended safety function.

Not Minor if: It was identified after the system was returned to service; and the component was unable to perform its intended safety function.

Example d: Inspectors observed that an NCS analysis had been performed using a different set of assumptions than those committed to in the license application. The inspectors determined that the modeled conditions adequately bounded the as-built configuration and were within the validated area of applicability.

The Violation: Use of technical practices contrary to those committed to in the license.

Minor because: Assumptions bounded the as-built conditions and were within the bounds of the validation report.

Not Minor if: The modeled conditions were not conservative, or were significantly outside the validation's area of applicability (AOA), or resulted in a significant reduction in the approved margin of subcriticality for safety.

NOTE: To determine if the reduction in the margin of subcriticality is significant, or if the deviation from the AOA is significant, see Example j.

Example e: An inspector noted that some NCS analyses had been performed by contractor NCS engineers (who were qualified by their organization). The inspector questioned whether the contract engineers had been qualified as licensee NCS engineers. The licensee stated that the contractor engineers had not completed the licensee's NCS engineer qualification program and initiated corrective actions to complete their qualification.

The Violation: Failure to qualify NCS engineers per the requirements of the License Application.

Minor because: The inspector did not identify any safety concerns regarding the content of the analyses performed by the contractor engineers.

Not Minor if: The NCS engineer's had established and implemented controls in the field that were substantially incorrect, and didn't provide a reasonable level of NCS assurance.

Example f: This event involves a failure to perform a required test for the presence of moderator. The test has never detected an accumulation of moderator, which is subject to upstream controls. The licensee credited these upstream controls to prevent an accumulation of moderator from occurring.

The Violation: Failure to perform a required test for the presence of moderator.

Minor because: The required testing when completed did not detect an accumulation of moderator; and the licensee continued to meet double contingency.

Not Minor if: The required testing when completed did detect an accumulation of moderator; or the upstream and other controls or IROFS had been insufficient to maintain double contingency.

Example g: The licensee returned the criticality alarm system to service following maintenance without performing the required post-maintenance test.

The violation: 10 CFR 70.24 requires the licensee to maintain a monitoring system capable of detecting a criticality accident. Maintenance was not conducted in accordance with procedures.

Minor because: The licensee later performed the required post-maintenance testing with no identified deficiencies.

Not minor if: When the licensee performed the required post-maintenance test, the alarm system failed.

Example h: The licensee failed to post an area as a moderator controlled area. Preventing the introduction of moderators into the area is credited as an administrative IROFS in the license application.

The violation: The licensee committed to post appropriate criticality safety precautions and prohibitions at the entrance to affected process areas in the license application.

Minor because: Failure to provide the posting was an isolated incident (e.g., sign was inadvertently removed or sign fell down) and no moderator material actually entered the room during the time the posting was missing.

Not minor if: Moderator material was found in or entered the room as a result of the deficient posting; or failure to meet double contingency.

Example i: The inspectors determined through a review of documentation that the licensee failed to verify criticality safety dimensions following a facility modification. The dimensions were credited as a passive geometry control in the NCSA.

The violation: The licensee failed to verify passive engineered NCS controls at the time of installation as required by the license application. The licensee is required to meet 10 CFR 70.61 performance requirements.

Minor because: The licensee performed the required measurements and determined that they were within the established dimensions (or acceptance criteria) as established in the NCSA.

Not minor if: The licensee performed the required measurements and determined that they were not within the established dimensions (or acceptance criteria) as established in the NCSA.

Example j: The licensee's analysis demonstrating subcriticality under normal and/or credible abnormal conditions was performed with less than the minimum approved margin of subcriticality for safety, or outside the validated area of applicability.

The violation: Failure to demonstrate subcriticality under normal and credible abnormal conditions, including use of an approved margin of subcriticality for safety.

Minor because: The licensee subsequently performs an analysis (in accordance with the technical practices specified in the license application) demonstrating the process as it exists is subcritical with the appropriate margin, or is able to extend the validated area of applicability to cover the calculations.

Not minor if: New parameters, controls, or limits, or physical or operational changes to the process, are required to demonstrate subcriticality with an adequate margin.

3. Fire Protection

Example a: NRC inspectors identified approximately 30 cubic feet accumulation of leftover packaging materials and other combustibles in a radiological shipping/storage facility. The building procedures limited combustible trash to about five cubic feet due to the building having not having a fire sprinkler system.

The violation: The license application requires the licensee to follow procedures. The licensee failed to follow building procedures that limit combustible trash to five cubic feet.

Minor because: The volume limit for combustibles was not credited as an administrative IROFS in the ISA Summary; or mitigative alternatives were established; or had it ignited, nuclear material would not have been impacted.

Not minor if: The volume limit for combustibles was credited as an administrative IROFS in the ISA Summary; or no mitigative alternatives were established; or had it ignited, nuclear material would have been impacted.

Example b: The inspectors identified that a Class A fire extinguisher was located in an area used for the storage of Class B combustible liquids. The licensee credits proper fire-fighting techniques including proper use of a fire extinguisher as an administrative IROFS in the ISA Summary. The licensee committed to following applicable NFPA codes in the license application.

The violation: The license application requires that portable fire extinguishers be of sufficient capacity and the proper type of suppression agent. The licensee failed to install a Class B fire extinguisher in a storage area for Class B combustible liquids.

Minor because: Only minimal quantities of combustible liquids are stored in the area; or there are no credible fire accident sequences for the specific area identified in the ISA Summary.

Not minor if: There were significant quantities of combustible liquids stored in the area; and credible fire accident sequences were identified in the ISA Summary.

Example c: The inspectors discovered that the licensee failed to perform the required monthly inspection of a portable fire extinguisher. The fire protection program which includes applicable NFPA compliance is credited as an administrative IROFS in the ISA.

The violation: The licensee failed to perform the required monthly portable fire extinguisher inspection as required by NFPA 10 to which they committed in the license application. Applicable NFPA compliance is listed as an administrative IROFS in the ISA.

Minor because: The fire extinguisher was found to be operable when the required inspection was performed; or the extinguisher failed the required inspection, but there were additional operable fire extinguishers in the immediate area; or NFPA code compliance is not specified as an IROFS in the ISA.

Not minor if: The fire extinguisher failed the required inspection and there were no other operable fire extinguishers available in the immediate area.

Example d: The licensee failed to obtain a hot work permit for welding/cutting during routine maintenance in a process room where significant quantities of uranium are stored. The hot work permit program is credited as an administrative IROFS in the ISA.

The violation: The licensee failed to use of hot work permits for welding/cutting activities as required by the license application.

Minor because: Precautions required by a hot work permit were in-place even though a permit was not obtained.

Not minor if: Precautions required by a hot work permit were not in-place.

Example e: Inspectors discovered that the licensee failed to perform routine inspection, maintenance, and functional testing activities of fire detection/suppression systems. The fire systems are located in manufacturing building that processes various chemical forms and stores various containers of nuclear materials. The fire detection/suppression systems are credited as an IROFS in the ISA for the detection and suppression of a fire (high consequence event). In addition, the licensee application requires NFPA detection/suppression surveillance activities.

The violation: A specific section of the license application requires that IROFS be installed, tested, and maintained in accordance with approved procedures (also a management measure). Specifically, the licensee failed to ensure that critical fire detection and suppression systems were inspected/tested on a regular basis in accordance with approved procedures.

Minor because: The licensee subsequently performed the inspections, maintenance, and testing (surveillance) activities and found that all safety systems were operating in accordance with established acceptance criteria; or fire detection/suppression systems are not IROFS; or the system is tagged-out of service for a legitimate reason; or the tests were not required to assure functionality or operability of the system; or mitigative alternatives were established.

Not minor if: The licensee subsequently performed the inspections, maintenance, and testing (surveillance) activities and found that all safety systems were not operating in accordance with established acceptance criteria; or the issue

is part of a larger breakdown in the fire protection or surveillance testing programs.

Also minor if: The fire safety systems were in another building that has no association with licensed materials or by-products of licensed materials.

Not a violation if: NFPA code commitment is not made in licensee documentation tied to a license condition; and no internal licensee documentation requires NFPA surveillance activities.

Example f: Inspectors were following up a licensee-identified event where the licensee had updated software on a fire detection/alarm computer system. The licensee performed a computer software modification that was not in accordance with the licensee's quality assurance program. The modification unknowingly caused an automatic phone dialer to stop functioning. The malfunction was later inadvertently discovered during an activation of the fire alarm.

The violation: A specific section of the license application requires the licensee to perform computer software modifications in accordance with the licensee's quality assurance program. The license application states that the licensee must conduct its business in accordance with a system of Standard Operating Procedures, Company Standards, and Policy Guidelines. The licensee implemented revised computer programming contrary to the licensee's computer software procedures, and the software disabled the auto dialer.

Minor because: The fire detection system and auto-dialer was not credited as an IROFS in the ISA Summary.

Not minor if: The fire detection system and auto-dialer were credited as an IROFS in the ISA Summary; and the licensee was unaware of the failure and inadvertently discovered the issue during actual alarm activation.

Example g: Inspectors identified that a new ventilation duct had been installed in a fuel pellet production area and the new duct was shielding a number of the existing fire sprinkler heads. The affected fire sprinklers were not repositioned resulting in a noncompliance with NFPA standards.

The violation: A license condition states that the licensee shall conduct authorized activities in accordance with the statements, representations, and conditions made in the license application. A specific section of the license application related to fire protection requires that fire sprinkler system be maintained in accordance with NFPA standards. The licensee

failed to ensure that the fire sprinkler systems in specified manufacturing areas were installed in accordance with NFPA standards after a new ventilation duct was installed.

Minor because: The "Authority Having Jurisdiction" (AHJ), which may be the NRC or other state or local agency, approved the deviation from NFPA 13 standards; or the fire sprinkler systems were not identified as an IROFS.

Not minor if: The licensee conditions or licensee documentation required compliance with NFPA standards; or the sprinkler system was not in compliance with NFPA 13 standards and the licensee did not establish a deviation from the AHJ.

Not a violation if: License conditions or licensee documentation did not require a fire sprinkler system to be in compliance with NFPA standards

Example h: Following a loss of power to a furnace, the inspectors identified a failure of both the procedure and the operator to adequately verify vessel status which resulted in a boot seal separation and a combustible gas flare. The procedure was inadequate in providing operator guidance to assess all areas of the furnace. The inspectors noted that the operator had all the physical information present to assess vessel status.

The violation: The licensee committed to following procedures in the license application. The activity (operator assessment of vessel status) was not performed in accordance with procedures.

Minor because: The combustible gas flare was a low consequence fire as evaluated by the licensee's ISA fire hazard analysis, and therefore, was not an IROFS.

Not minor if: Failure to adequately assess vessel status was credited as an IROFS in the ISA fire hazard analysis.

Example i: The licensee failed to review and revalidate the Fire Hazards Analyses for multiple uranium production buildings at least every five years in accordance with operations procedures. The inspectors identified several differences between the existing hazards analysis versus the actual and passive fire protection features within the production areas.

The violation: The license application states that the licensee must conduct its business in accordance with a system of Standard Operating Procedures Company Standards, and Policy Guidelines. The licensee's procedures required a five-year review and revisions as necessary to ensure the accuracy of the fire hazard analysis. The Licensee had not reviewed or revised the

document within the required period. Multiple inaccuracies were identified.

Minor because: The number and magnitude of the differences were of minor significance in that they would not negatively affect the ISA assumptions and accident sequences.

Not minor if: Based on a review of the applicable accident sequences in the ISA Summary, the inspector determined that the number and magnitude of differences did not support the licensee's ISA assumptions.

Example j: The inspectors reviewed the ISA to verify that credible fire related scenarios were identified. The inspectors reviewed accident sequences in the ISA that involved a hot-oil heat-exchange system used in a uranium drying application, and the processing/location of uranium hexafluoride (UF₆) cylinders. The ISA accident sequences were limited and did not consider that an oil fire could adversely affect UF₆ cylinders being stored or undergoing processing in the bay area. The inspectors noted that a fire could overheat a UF₆ cylinder and cause a structural failure of the cylinder. The inspectors reviewed the ISA for accident sequences involving UF₆ cylinders and determined that the licensee had defined the release of UF₆ as a potential high consequence event as defined in 10 CFR 70.61.

The violation: 10 CFR 70.61(a) requires the licensee to evaluate compliance with the performance requirements of 70.61(b), (c), and (d) in the ISA, and apply engineered controls and/or administrative controls to the extent needed to reduce the likelihood of occurrence and/or the consequences of each credible high and intermediate consequence event. The licensee failed to evaluate whether IROFS were necessary to reduce the risk of a uranium hexafluoride cylinder failure as a result of a fire from the hot oil system.

Minor because: The licensee performed an evaluation and determined that existing hot oil system controls would have prevented a fire of an intensity required to result in a UF₆ cylinder failure.

Not minor if: The ISA Summary failed to include credible fire related scenarios that required the application of IROFS in order to meet 10 CFR 70.61 performance requirements.

4. Plant Modifications

Example a: During a **plant modification** inspection, the inspector determined that post maintenance testing (PMT) was missed on an IROFS actuator valve for a bulk chemical supply system following a modification that relocated the valve and added a local power on-off switch. The licensee's procedures for modifications require PMT following modifications to IROFS components. The licensee credited procedure use and adherence as a management measure in the license application.

The violation: The licensee failed to implement management measures (procedure use and adherence) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61.

Minor because: The valve passed the subsequent PMT; therefore, the IROFS was available and reliable to perform its intended safety function.

Not minor if: The valve failed the subsequent PMT; therefore, the IROFS was not available and reliable to perform its intended safety function.

Example b: During a plant modification inspection, the inspector discovered that a regulatory engineer assigned to complete a 70.72 evaluation had not completed the required training and was unqualified.

The violation: The licensee failed to ensure trained personnel completed the 70.72 evaluations. The license application states that indoctrination, training, and qualification of regulatory function engineers is performed in accordance with an approved procedure. The procedure provides specific actions including training that must be completed to become qualified.

Minor because: The 70.72 evaluation dealt with a non-safety related modification; or the 70.72 evaluation dealt with a safety-related modification, but no deficiencies were found with the 70.72 evaluation (e.g., the boxes on the form were properly checked, the evaluation was performed correctly, and evaluation came to the correct conclusion).

Not minor if: The 70.72 evaluation involved a safety-related modification and one or more deficiencies were found with the 70.72 evaluation when reviewed by the inspector. Specifically, one or more of the questions on the form were incorrectly answered as "no" instead of "yes" with regards to whether the change impacted the ISA. The inspector concluded that the licensee should have obtained prior NRC approval for the change by submitting a license amendment.

Example c: During a system walkdown of IROFS, the inspector determined that a P&ID does not match the as-built configuration of the component/system.

The violation: The licensee failed to implement management measures (configuration management) as required by 10 CFR 70.61(e) and 70.62(d) to ensure that IROFS were available and reliable to perform their function when needed to comply with the performance requirements of 10 CFR 70.61. Specifically, the licensee failed to keep drawings and design information up-to-date as a result of facility modifications.

Minor because: The discrepancy is administrative in nature (e.g., typo, incorrect symbol, missing date, etc...); or the discrepancy is technical, but does not adversely impact the ability of an IROFS to perform its safety function.

Not minor if: The discrepancy adversely impacts the ability of an IROFS to perform its safety function (e.g., missing, installed in wrong location, configuration does not match description in ISA, etc...).

Example d: The inspectors identified that the licensee failed to obtain the necessary interdisciplinary safety reviews for a recent design change that impacted nuclear criticality safety. The design change was not considered a like kind change.

The violation: the licensee failed to obtain the necessary interdisciplinary safety reviews for a recent design change that impacted nuclear criticality safety. The license application requires the licensee to follow procedures. The licensee's change control procedure requires that changes which do not qualify as like-kind changes be evaluated and approved before the change is made and the ISA is modified.

Minor because: The licensee completed the required review and no safety issues or deficiencies were identified;

Not minor if: Deficiencies were identified during the subsequent review that adversely impacted the safety function or reliability/availability of an IROFS; or an IROFS was determined to be failed or degraded as a result of the noncompliance.

Example e: During a plant mods inspection, the inspectors identified that the licensee failed to perform a 70.72 evaluation for a change to a UF₆ storage area operations procedure.

The violation: The licensee failed to perform a 70.72 evaluation for an affected procedure. 10 CFR 70.72(b)(3) requires that any change to the site, structures, processes, systems, equipment, components, computer programs, and activities of personnel must be evaluated by the licensee before the change is implemented.

Minor because: The licensee subsequently completed the 70.72 evaluation and concluded that NRC pre-approval of the change was not required.

Not minor if: The licensee subsequently completed the 70.72 evaluation and concluded that NRC pre-approval of the change was required.

Example f: The licensee recently completed a modification to add a new administrative control (IROFS) for accident sequences associated with the prevention of leaks involving UF₆ cylinder pigtailed in vaporizers. The new administrative control requires operations to inspect the cylinder for cleanliness and verify that loose material is removed prior to loading the cylinder into the vaporizer. The new requirements were documented in a revision to an operations procedure. During a modifications inspection, the inspectors reviewed operator training records and determined that the licensee failed to perform training on the new procedure prior to implementation.

The violation: The licensee failed to perform training on the new UF₆ cylinder pigtail leak test procedure prior to implementation. The license application requires the licensee to follow procedures. The licensee's change control procedure requires that training be performed on any modifications to existing operating procedures prior to operation in order to meet 10 CFR 70.72(a)(3).

Minor because: The issue was a documentation error and the operators had received the required training; or the operators failed to receive the required training, but correctly performed the administrative control in the field.

Not minor if: The licensee failed to perform or incorrectly performed the new administrative control as a result of inadequate training.

Example g: The licensee failed to provide a written evaluation for a 70.72 evaluation involving a recent modification to remove an IROFS from a specific accident sequence. The IROFS was needed to meet 10 CFR 70.61(b) and (c) performance requirements. The licensee provided the inspectors with a completed positive 70.72 screening checklist (e.g., yes/no check

boxes), which required the licensee to complete a 70.72 evaluation. Upon review of the evaluation, the inspectors concluded that the evaluation only consisted of yes/no answers to the specific 70.72 questions. The licensee concluded that prior NRC approval was not required.

The violation: The licensee failed to provide a written evaluation for a 70.72 evaluation involving a recent modification to remove an IROFS from a specific accident sequence. 10 CFR 70.72(f) requires the licensee to maintain records of changes to its facility and the records must include a written evaluation that provides the bases for the determination that the changes do not require prior NRC approval.

Minor because: The licensee subsequently completed the written evaluation and the answers to the 70.72 evaluation questions were correct and NRC prior approval was not required.

Not minor if: The licensee subsequently completed the written evaluation and the inspectors concluded that the answers to the 70.72 evaluation questions were incorrect (e.g., bases for determination were incorrect or invalid); therefore, the licensee failed to obtain prior NRC approval for the change as required by 70.72.

5. Radiation Waste/Environmental/Transportation

Example a: The NRC requires the licensee to submit effluent monitoring reports within 60 days after January 1 and July 1 of each year (i.e., semi-annual effluent reports). The licensee failed to collect and analyze air samples from two ambient air monitoring stations over a two week period. The licensee's environmental monitoring program requires weekly air samples. Even though the samples were not obtained data was still available from the two air monitoring stations and subsequently analyzed. Air samples were collected weekly as required by the licensee's program from the other environmental monitoring stations. Upon review of the data the inspector noted no adverse trend or elevated radionuclide concentrations detected at the other ambient air monitoring stations over the period in question.

The violation: Activities involving SNM were not performed in accordance with procedures as required by the license application.

Minor because: The licensee was able to submit the semi-annual effluent report and demonstrate compliance with effluent release limits and dose to the public

for the monitoring period and there is no evidence to indicate that effluent releases were greater than those reported in previous reporting periods.

Not minor if: The air monitoring data was not recoverable or the licensee could not otherwise produce sufficient supporting documentation to calculate (or estimate) dose to the public resulting from effluent releases (10 CFR 20.1301) over the period in question.

Example b: The licensee failed to install tamper-indicating seals in their proper locations on a transportation package overpack.

The violation: The Certificate of Conformance (CoC) requires that the package be prepared for shipment and operated in accordance with the Operating Procedures of Chapter 7 of the application, which requires that the package (overpack) tamper-indicating seals be installed in their proper location.

Minor because: The package had not left the site and there was no evidence that the package had been tampered with.

Not minor if: The package had not left the site and there was evidence that the package had been tampered with.

Also not minor if: The package had left the site regardless of whether there was evidence that it had been tampered with.

Example c: The licensee failed to properly calibrate the final liquid effluent monitors prior to release of the liquid to the environment. Specifically, the secondary calibration sources used for the monitoring system were not of sufficient strength to meet channel calibration requirements.

The violation: 10 CFR 70.56, "Tests." Paragraph (c) requires tests of radiation detection and monitoring instrumentation used for effluent monitoring (10 CFR 70.59). The licensee failed to follow procedures as committed to in the license application.

Minor because: The effluent monitoring results are not used for emergency response decision making; or the quantities of radionuclides released to the environment do not challenge 10 CFR Part 20 public dose limits.

Not minor if: The effluent monitoring results are used to make critical decisions during a licensee response to an emergency; or the 10 CFR Part 20 public dose limits were challenged or exceeded.

Example d: The licensee incorrectly filled out a waste manifest for a radioactive waste shipment to a low level waste disposal facility. Specifically, the waste generator incorrectly listed the radionuclide activities for various isotopes of uranium.

The violation: 10 CFR 20.2006 and 10 CFR Part 20, Appendix G requires the waste generator to list the radionuclide activities of all radioactive waste shipments on a waste manifest (NRC Forms 540 and 541). The licensee failed to accurately list radionuclide activities for various isotopes of uranium.

Minor because: The error on the waste manifest was minor or administrative; or actual radionuclide quantities were less than what was reported on the waste manifest (conservative); and the shipment was in compliance with the waste disposal facility's waste acceptance criteria.

Not minor if: The actual radionuclide quantities were greater than the waste disposal facility's waste acceptance criteria or the error was associated with programmatic issues relating to the licensee's preparation and approval of radioactive waste shipments.

Example e: The licensee's waste certification official failed to sign and date the shipment manifest prior to shipping a radioactive waste shipment to a land disposal facility.

The violation: 10 CFR Part 20, Appendix G requires the waste generator to certify the shipment by signing and dating the waste manifest.

Minor because: All information on the manifest was correct (e.g., waste was properly classified, described, packaged, marked, and labeled) and the failure to certify the shipment was administrative in nature.

Not minor if: The information on the manifest was incorrect (e.g., waste was not properly classified, described, packaged, marked, or labeled) or the error was associated with programmatic issues relating to the qualifications and/or availability of properly trained, qualified and certified radioactive material shippers.

Example f: The licensee failed to document a transportation package inspection in accordance with the conditions specified in the CoC.

The violation: The package SAR and the licensee's package operating procedure require that the licensee document package inspections.

Minor because: The licensee performed the package inspections in accordance with the licensee's package operating procedure, but failed to properly document the inspections (i.e., documentation contained minor or administrative errors).

Not minor if: The licensee failed to perform the required inspection which resulted in a non-conforming package being used to transport radioactive material.

Example g: The licensee failed to make a determination that a transportation package(s) was proper for the contents to be shipped (i.e., failure to verify that package is in an unimpaired physical condition, proper installation of gasket and closure device, package was loaded and closed in accordance with written procedures, moderator or neutron absorber is present and in proper condition, contamination and radiation levels do not exceed DOT regulations, and temperatures do not exceed regulatory limits.)

The violation: 10 CFR 71.87, Routine Determinations, requires the licensee to perform various actions to ensure the package is proper for the contents to be shipped.

Minor because: The package had not left the site and the routine determinations were subsequently completed with no identified deficiencies or non-conformances.

Not minor if: The package had the left the site without performing the routine determinations.

Example h: During a review of shipping records, the inspectors identified that the licensee made an error which resulted in mislabeling a shipment.

The violation: 10 CFR 71.91, Records, requires each licensee to maintain shipping records for a period of 3 years after shipment for material not exempt under 71.10.

Minor because: The error was in the conservative direction; or the error was administrative in nature with no safety significance.

Not minor if: The error was in the non-conservative direction and resulted in the potential for personnel over-exposure.

6. Radiological Protection

Example a:	A licensee properly performed a radiation or airborne contamination survey (e.g., air sampling), but the survey was not documented.
The violation:	Failure to meet 10 CFR Part 20.2102/2103, which requires each licensee to maintain records of the radiation protection program including surveys or failure to perform activities in accordance with site procedures or the license application.
Minor because:	The survey was actually performed and proper radiological controls were established; or the lack of a survey record led to a situation (e.g., supervision or health physics technicians being unaware of radiological conditions) that resulted in the failure to establish radiological controls, but did not result in significant unplanned or unintended uptake/dose to an individual.
Not minor if:	The lack of a survey record led to a situation that resulted in the failure to establish radiological controls and resulted in unplanned or unintended dose to an individual that exceeded the limits of either 10 CFR 20.1201(e) or the equivalent of 10 CFR 20.1207, "Occupational Dose Limits for Minors."

Example b:	Radiation detection instruments (e.g., portable instruments or installed area radiation monitors) were not calibrated properly or not response checked prior to use in accordance with site procedures.
The violation:	Failure to meet 10 CFR 20.1501(c), which requires that instruments and equipment used for quantitative radiation measurements be calibrated periodically or failure to perform activities in accordance with site procedures or the license application.
Minor because:	When recalibrated or response checked, the as-found condition of the instrument was within acceptance criteria for the calibration or response check, or provided conservative measurement (i.e., over-response).
Not minor if:	When recalibrated or response checked, the as-found condition of the instrument was not within acceptance criteria for the calibration or response check and did not provide conservative measurement.

Example c: A Health Physics technician provided job coverage or performed a task that the technician was not fully qualified to perform (e.g., a task performance qualification was not completed as required, or the Health Physics technician did not have adequate experience).

The violation: Failure to perform activities in accordance with site procedures or specific requirements contained in the license application.

Minor because: Either no errors or only minor errors were made by the Health Physics technician, who had completed basic Health Physics training and the error(s) did not result in unplanned or unintended uptake or dose to a worker that exceeded the limits of either 10 CFR 20.1201(e) or the equivalent of 10 CFR 20.1207, "Occupational Dose Limits for Minors."

Not minor if: One or more substantial errors were made by the technician while performing radiological surveys and monitoring for a radiologically risk significant task and the error(s) did result in unplanned or unintended uptake or dose to a worker that exceeded the limits of either 10 CFR 20.1201(e) or the equivalent of 10 CFR 20.1207, "Occupational Dose Limits for Minors."

Example d: An item (e.g., tool) containing detectable licensed radioactive material (RAM) was inadequately surveyed and subsequently released from the radiological control area of the facility. The tool was found in an area outside the RCA boundary not subject to radiological monitoring. The potential existed for the "contaminated" item to be released offsite beyond the owner controlled area.

The violation: Failure to perform activities in accordance with site procedures or the license application.

Note: A noncompliance does not occur in the situation where an item with RAM has been properly surveyed using appropriate survey techniques, evaluated as not having detectable RAM, is released, and is later discovered as containing RAM when surveyed using a more sensitive survey method. In this case a detectable quantity is defined as contamination levels exceeding the monitoring setpoints established by the licensee for RCA exit monitors and/or levels exceeding those in Table 1 of Regulatory Guide 1.86, as applicable.

Minor because: An inadequate survey was performed for an item that was released and later discovered. The follow-up survey concluded that the item contained radioactive material with a measured dose rate that was indistinguishable from background (measured in a low background area, at a distance of

30 cm from the item with a micro-rem per hour type instrument that typically uses a 1" by 1" scintillation detector) and the calculated dose using a realistic exposure scenario was less than the limits of 10 CFR 20.1207, "Occupational Dose Limits for Minors.

Not minor if: An inadequate contamination survey was performed for an item that was released from the RCA and later discovered in a plant area not subject to radiological monitoring controls. The follow-up survey concluded that the measured dose rate is distinguishable from background. The calculated dose using a realistic exposure scenario is in excess of the limits of 10 CFR 20.1207, "Occupational Dose Limits for Minors and the contamination levels did not exceed the quantities listed in 10 CFR 20 Appendix C.

Example e: An inadequate radiation survey did not identify a radiation area (i.e., dose rates were greater than 5 mrem/hr at 30 cm and \leq 100 mrem/hr at 30 cm).

The violation: Failure to meet 10 CFR 20.1101, which requires the licensee to ensure that occupational doses are ALARA or failure to perform activities in accordance with site procedures or the license application.

Minor because: Radiological conditions existed such that the dose to an uninformed worker (e.g., a worker who had not been briefed on or reviewed radiological conditions) was not likely to exceed 2 mrem in any one hour (2 mrem/hr) or 50 mrem in a year.

Not minor if: Radiological conditions existed such that the dose to an uninformed worker was likely to exceed 2 mrem in any one hour (2 mrem/hr) or 50 mrem in a year.

Example f: The inspectors discovered an unlocked High Radiation Area (HRA) during a routine tour/inspection. Locked entryway control was the only feature used to control access to the HRA.

The violation: Failure to meet 10 CFR 20.1601(a)(3), which requires that entryways to HRAs be locked.

Minor because: The HRA was conservatively posted. The highest radiation level was \leq 100 mrem/hr at 30 cm (i.e., the radiological conditions did not actually constitute a HRA area in accordance with the regulatory definition of a HRA).

Not minor if: The radiation levels exceeded 100 mrem/hr at 30 cm (i.e., a HRA actually existed and was not barricaded).

Example g: An improper entry was made into a High Radiation Area (HRA).

The violation: Failure to meet 10 CFR 20.1101, which requires the licensee to ensure that occupational doses are ALARA. RWP requirements are established for the radiological protection of workers and are to be followed as prescribed by specific RWPs.

Minor because: The individual was authorized for entry into a HRA (e.g., authorized by radiation protection personnel or by radiation work permit), was made aware of the radiological conditions in the area (e.g., during a pre-job briefing or a review of radiation survey results), but the individual signed in on the wrong RWP, and complied with the instructions of the correct RWP.

Not minor if: The individual was not authorized to enter a HRA or; the individual was authorized for entry, but was not made aware of the radiological conditions (e.g., did not get briefed or did not review radiological surveys) or; the individual was authorized to enter a HRA, was made aware of the radiological conditions and given specific radiological instructions, but took unauthorized actions that significantly changed the radiological conditions or; the individual continues work in a HRA after receiving an electronic dosimeter (ED) alarm without taking the prescribed procedural actions as defined in the licensee's radiation protection program/procedures (e.g., stopping work, leaving the area and contacting Health Physics) or; the individual takes actions that involved the bypassing of physical controls (e.g., bypassed the barrier around a locked high radiation area, or an individual bypassed an interlock on a calibration source); and the dose received to the individual(s) challenge or exceed the RWP limits.

Example h: Work activities were ongoing within the MAA (or controlled zone) that was covered by a Radiation Work Permit (RWP). The inspector noticed that an individual was not wearing a respirator as required by the job-specific RWP. As part of the investigation, the licensee required the affected individual to submit a bioassay sample in accordance with the licensee's bioassay procedure. As a result, the licensee determined that the individual received a significant uptake of soluble uranium.

The violation: The licensee is required to follow their procedures per license conditions. RWP requirements are established for the radiological protection of

workers and are to be followed as prescribed by specific RWP. 10 CFR 20.1201 specified occupational dose limits for adults including soluble uranium uptake.

Minor because: Failure to follow RWP requirements did not result in exposures and/or uptakes in excess of regulatory limits (> 10 mg soluble uranium or > 10% of annual occupational dose limits).

Not minor if: Failure to follow RWP requirement did result in exposures and/or uptakes in excess of regulatory limits (>10 mg soluble uranium or > 10% of annual occupational dose limits).

Example i: The NRC requires licensees to limit the soluble uranium intake by an individual to less than 10 milligrams in a week. The licensee established an administrative limit of 1 milligram in a week. Contrary to the licensee's program, an operator was exposed to 1.3 milligrams of soluble uranium over a seven-day period based on bioassay results. Routine radiological surveys and breathing zone air sampling failed to identify that the operator was exposed to uranium concentrations exceeding the administrative limit.

The violation: The licensee failed to identify that the operator was exposed to uranium concentrations exceeding the administrative limit.

Minor because: This was a licensee administrative limit. The worker was within federal limits.

Not minor if: The licensee's multiple processes by which to determine potential intakes by workers did not identify an actual intake were identified of failures to satisfy radiation protection procedures indicating a failure to maintain and implement programs to keep exposures as low as reasonably achievable; or the operator exceeded the 10 mg/week regulatory requirement.

Example j: During a walkdown, the inspectors identified the collapse of a contamination control enclosure installed to control potential airborne contamination in support of scheduled maintenance on a potentially contaminated furnace. Sealing tape peeled away resulting in openings in the enclosure, impacting the intended purpose of the enclosure, namely to contain any potential airborne material generated during the maintenance activity from escaping the enclosure.

The violation: Activities were not performed in accordance with radiological contamination control procedures and requirements of the associated RWP/ALARA planning package or associated work instructions.

Minor because: The licensee had not begun work and radiological surveys and airborne samples revealed no radiological issues.

Not minor if: Work was in progress and surveys/samples indicated an uncontrolled spread of airborne contamination requiring additional radiological controls in other areas.

7. Integrated Safety Analysis

Example a: The licensee failed to perform a daily functional test of a dry rad waste collection scale so that a significant quantity of uranium will not accumulate in a waste drum. The functional test is credited as an IROFS in the ISA for the prevention nuclear criticality which is considered a high consequence event.

The violation: A specific section of the license application related to configuration management (also a management measure) requires that IROFS be installed, tested, and maintained in accordance with approved procedures. Specifically, the licensee failed to ensure that the scale was functionally tested in accordance with an approved procedure.

Minor because: Subsequent functional testing was completed satisfactory with no identified deficiencies.

Not minor if: Subsequent functional testing resulted in the failure to meet specified test objectives or acceptance criteria.

Example b: The inspector discovered a mathematical error during the review of an ISA dose consequence calculation.

The violation: 10 CFR 70.61 requires IROFS for events that exceed performance requirements for the worker and public. Specifically, 10 CFR 70.61(b) requires that high consequence events be made highly unlikely.

Minor because: The error did not result in an increase in the consequences that exceeded 10 CFR 70.61 performance requirements (e.g., the unmitigated consequences remained intermediate for an unlikely event).

Not minor if: The error did result in an increase in the dose to the worker or public that exceeded 10 CFR 70.61 (b) performance requirement. The licensee was

required to establish IROFS to reduce the likelihood from unlikely to highly unlikely.

Example c: During a review of IROFS calibration records, the inspector identified that the licensee failed to perform instrument calibration at the frequency established in the ISA.

The violation: The licensee failed to perform instrument calibration at the frequency established in the ISA. 10 CFR 70.62 requires the licensee to implement management measures (work control system) to ensure that IROFS are designed, implemented, and maintained to ensure they are available and reliable to perform their safety function when needed.

Minor because: The instrument was subsequently sent out for calibration and the as-found condition was within established acceptance criteria or provided a conservative measurement (e.g., over-response); or the instrument was not used since the last calibration.

Not minor if: Following recalibration, the instrument was found outside of the established acceptance criteria or did not provide a conservative measurement (e.g., under-response).

Example d: A water leak or fire occurred in the records storage vault and resulted in damage to records involving 10 CFR 70.72 evaluations.

The violation: The licensee failed to maintain records of changes to its facility until termination of the license as required by 10 CFR 70.72(f).

Minor because: The licensee could reasonably reconstruct the records if permitted to do so by the license application.

Not minor if: The records were heavily damaged (e.g., illegible) and the licensee was either not permitted to or unable to reconstruct the records.

Not a violation if: The records were slightly damaged, but were still legible.

Example e: The licensee declared an IROFS vacuum breaker inoperable as a result of a failed surveillance test (e.g., test was performed but failed to operate). The licensee reported the issue to the NRC in accordance with Appendix A to 10 CFR 70(a)(5) for a loss of controls such that only one IROFS remained available and reliable to prevent a nuclear criticality

accident. Inspector follow-up concluded that the licensee failed to implement a management measure or license requirement.

- The violation: Failure to implement management measures to ensure that IROFS were available and reliable to perform their intended safety function as required by 10 CFR 70.61(e) and 70.62(d).
- Minor because: The noncompliance (such as a failure to implement a management measure or license requirement) identified by the inspectors did not contribute to the failure of the IROFS.
- Not minor if: The failure was the direct result of a failure to implement a management measure; or the failure of the IROFS was not within its analyzed failure rate assumed in the ISA.
- Not a violation if: The inspectors determined that the failure was not the result of a licensee noncompliance and the failure of the IROFS was within its analyzed failure rate assumed in the ISA; or the licensee could credit IROFS from other accident sequences to ensure the accident remains highly unlikely.
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8. Emergency Preparedness

- Example a: The inspector requested for review the agreement letter with the offsite Volunteer Fire Department (VFD) to verify that an agreement was in effect detailing the type of support provided by the offsite VFD, the type of training provided to the offsite VFD by the licensee, and the frequency for reviewing and updating the agreement.
- The violation: The licensee failed to update the agreement letter for the offsite VFD as required by Section 4.0 of the Emergency Plan, "Local Offsite Assistance", requires in part that "Agreement Letters are renewed every four years." The agreement letter for the offsite VFD was last updated and reviewed five years ago.
- Minor because: The offsite and onsite contacts assigned the responsibility for maintaining the agreement current and who were signatories to the agreement letter were unchanged and when interviewed regarding the agreement, the offsite contact for support services acknowledged that the support and services agreed to in the previous letter remained in effect. Training was being provided on an annual basis as required by the Emergency Plan. Annual site familiarization tours were provided by the site to the offsite VFD, and the offsite VFD participated with the site fire brigade on an annual basis during drills in addition to participated in the past two NRC graded exercises.

Not minor if: The onsite fire brigade was trained strictly to handle incipient fire-fighting responsibility and there were no drills or training conducted with offsite VFD; or the Offsite VFD management had changed along with a large turnover in staffing but no training or site familiarization tours were provided.

Example b: The inspector examined an emergency response kit to determine the adequacy of contents and operational readiness status of the emergency equipment stored inside the kit. Three air samplers and electronic dosimeters were found out of calibration. The calibration sticker showed that the air sampler was last calibrated more than a year ago and no determination could be made regarding the last calibration performed on the dosimeters as there was no calibration documentation available.

The violation: The licensee failed to maintain equipment in their emergency response kit. The license requires the licensee to maintain and execute the response measures in the Emergency Plan. The Emergency Plan requires that "Inventory and maintenance be carried out in accordance with approved procedures." Emergency preparedness implementing procedures require that instruments be calibrated on a semi-annual basis.

Minor because: Emergency response kits with identical but calibrated equipment and contents were available elsewhere onsite and accessible to emergency response personnel. In addition, several backup survey instruments, air samplers and dosimeters were available in the Radiation Safety office. The equipment with the expired calibration sticker was checked pre-calibration and determined to be within the calibration range and deemed operational.

Not minor if: No other calibrated emergency equipment or emergency kits with calibrated equipment were available and or readily accessible to responder; or non-calibrated equipment was used to address an actual emergency.

Example c: The inspectors observed that no offsite response organizations were present to observe or participate in the biennial graded exercise and that the licensee simulated contact with these organizations. The inspectors reviewed the licensee's preparations for the biennial exercise through discussions with the health physics specialist, who had responsibility for coordination of emergency preparedness. These discussions revealed that the requirement to invite the responsible offsite response organizations to participate in the exercise had been overlooked.

The violation: The licensee failed to invite offsite response organizations to participate in biennial onsite emergency exercises as required, in part, by 10 CFR 40.31(j)(2)(xii) or 10 CFR 70.22(a)(3)(xii).

Minor because: The offsite response organization is not required to participate in the exercise. The licensee is required to offer the opportunity but the offsite organization is not required or obligated to participate.

Not minor if: The offsite response organizations have requested and expressed an interest in participating in training, drills, and or exercises but the licensee has not been responsive to any and all requests from offsite support groups; or during an actual event, the response by an offsite support group and/or the coordination between the licensee and the offsite support group resulted in an inadequate response to protect the plant, workers, public, and the environment.

Example d: The inspector determined an individual assigned as an alternate to the emergency organization with responsibility to maintain a chronological listing and sequence of the events was not trained in accordance with the Emergency Plan requirements. Three other individuals including the primary assigned to the position were trained. The licensee's Emergency Plan required that all members of the emergency organization be trained annually.

The violation: The licensee failed to ensure that all members of the emergency organization be trained annually as required by their Emergency Plan. The license requires the licensee to maintain and execute the response measures in the Emergency Plan. The Emergency Plan states, in part, that "training regarding the actions they are required to perform during an emergency will be provided on an annual basis." One individual was last trained two years prior to the date of the inspection.

Minor because: There were three other individuals assigned this role in the emergency organization with current training qualifications. The responsibility associated with this position did not involve risk significant activity or decision-making.

Not minor if: The individual that performed the specific role in the emergency organization did not have current training qualifications and the position involved risk significant activities or decision-making.

Example e: During an annual emergency preparedness inspection, the inspectors discovered that the licensee failed to correct a deficiency identified during

the last biennial exercise. The inspectors reviewed the condition report (CR) and determined that the licensee's emergency response staff was unfamiliar with the RASCAL dose assessment software. One of the identified corrective actions was to send the affected staff to off-site RASCAL training. The inspectors reviewed the training records of the affected staff and determined that the training was incomplete. The condition report had been open for the past 12 months.

The violation: the licensee failed to correct a deficiency identified during the last biennial exercise as required, in part, by 10 CFR 70.22(a)(3)(xii) that deficiencies found by the critiques must be corrected.

Minor because: The licensee had corrected the deficiency, but failed to properly close-out the condition report; or the licensee sent the affected personnel to the off-site training (licensee could provide training certificates), but failed to update their training records; or the affected staff was replaced with other staff who were formally trained on the RASCAL software; or the licensee had scheduled the training, but not yet completed the training due to course availability.

Not minor if: The licensee had taken no actions to correct the critique deficiencies.

9. Material, Control, and Accountability

Example a: The inspectors conducted a performance test of the licensee's item control program at a CAT III fuel facility. All selected items, with one exception, were verified by direct observation to be physically present at the storage location indicated by licensee's records. The one exception was a waste item, containing three grams U-235. The licensee traced the item to a waste box manifest and discovered that the item was transferred to the waste box a month prior, without performing the appropriate documentation in the nuclear material accounting database.

The violation: The licensee failed to perform the appropriate documentation in the nuclear material accounting database to be capable of measuring the unauthorized removal of substantial quantities of material as required, in part, by 10 CFR 74.31(c)(6).

Minor because: The U-235 content for the missing item was less than 500 grams.

Not minor if: The U-235 content of the missing item was greater than 500 g; or the licensee failed to enter the issue into their corrective action program.

Example b: The licensee failed to perform the physical inventory every 12 months as required by NRC regulations at a CAT III fuel facility.

The violation: The licensee failed to perform the physical inventory every 12 months as required by 10 CFR 74.31(c)(5).

Minor because: The inventory was performed and did not result in any missing inventory that exceeded the allowable 9,000 grams of U-235 or 0.25 % of the active inventory.

Not minor if: The inventory was performed and did result in missing inventory that exceeded the allowable 9,000 grams of U-235 or 0.25% of the active inventory.

Example c: The licensee fails to remove a Material Balance Area (MBA) custodian from having access to the MC&A accounting system when the individual's training and qualification had expired.

The violation: The licensee failed to remove a Material Balance Area (MBA) custodian from having access to the MC&A accounting system when the individual's training and qualification had expired. 10 CFR 74.59(c), "Personnel Qualification and Training," requires the licensee to assure that personnel who work in key positions where mistakes could degrade the effectiveness of the material control and accounting system are trained to maintain a high level of safeguards awareness and are qualified to perform their duties and/or responsibilities.

Minor because: The individual did not perform custodian duties (e.g., MC&A transactions, movement of SNM, application of TIDs, etc.) since the training and qualifications expired.

Not minor if: The individual performed MBA custodial duties.

10. Physical Security

Example a: An unarmed or armed security officer patrolling buildings, conducting safety observations, fire brigade, or emergency medical team (EMT) activities, or posted within the site owner controlled area, protected area, and/or controlled access area for duties not associated with implementing the NRC-approved security plan is found inattentive. Activities not

involved with implementing the NRC-approved security plan can be conducted by any trained and qualified employee, and the site chose to assign site security this activity.

- The violation: Failure to perform activities in accordance with site procedures.
- Minor because: The inattentive unarmed or armed security officer was conducting this activity and had no other duties associated with implementing the NRC-approved security plan, regulatory requirements, and any other applicable Commission requirements such as an Order or Confirmatory Action Letter.
- Not minor if: If the security officer is unarmed or armed and conducting this activity in conjunction with certain activities (not all activities will be more-than-minor) associated with implementing the NRC-approved security plan, regulatory requirements, and any other applicable Commission requirements such as an Order or Confirmatory Action Letter.
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Example b: The licensee's security fence is required to be a specific height. The NRC discovers that, in one section, the fence is not at the required height.

The violation: Failure to meet the license condition that requires the licensee perform activities in accordance with its NRC-approved security plan and/or Order Commitments.

Minor because: The inner protected area (PA) boundary fence continues to meet the minimum height required by NRC regulations. The inner PA fence effectively performs the function as the demarcation of the PA, ensures assessment of penetration attempts, and delays attempts of unauthorized exits from the PA.

Not minor if: The inner PA fence does not provide delay attempts at unauthorized exits from the PA and/or the intrusion detection system was not operable in any part of the isolation zones upon discovery.

Example c: Licensee does not perform testing of perimeter intrusion detection system for all potential exploitation methods within the adversary characteristics.

Violation: Failure to meet 10 CFR 73.46(g) that requires a test and maintenance program for intrusion alarms, emergency exit alarms, communications equipment, physical barriers, and other physical protection related devices and equipment.

Minor because: When performance tested in accordance with the adversary characteristics, the intrusion detection system detects attempted penetration of the PA.

Not minor if: The intrusion detection system fails to detect attempted penetration of the PA for one exploitation method.

Example d: The inspectors discovered that the weapons course of fire did not include all of the elements required by the Commission approved training and qualification plan (T&QP).

Violation: Failure to meet weapons training and qualification requirements in accordance with 10 CFR Part 73, Appendix B and the licensee's T&QP and implementing procedures.

Minor because: The elements are contained in another course of fire, used for qualification, and are trained at the same periodicity and proficiency standards as the weapons training course of fire.

Not minor if: The elements are not trained in another course of fire in a manner to support proficiency in the use of the assigned weapon or that meets the prescribed standards in the weapons course of fire. For example, an element not trained in a manner to support proficiency in the course of fire would be the licensee not requiring tactical reloading while conducting specific maneuvers and this is not included in the handgun or rifle course of fire.

Example e: An armed or unarmed security officer entered the PA boundary near a vehicle access gate without being searched. The officer mistakenly walked across a PA boundary to speak to the driver of a vehicle.

The violation: Failure to identify and search all individuals for firearms, explosives, and incendiary devices at the PA boundary.

Minor because: Central Alarm Station (CAS) Operator identified it and the officer immediately exited.

Not minor if: The licensee failed to immediately identify the officer crossing the PA boundary without being searched and therefore did not detect unauthorized activities at the PA boundary.

Example f: A security officer performing security response related duties failed to inform their supervisor that they were taking prescription medication as required by the site's fitness-for-duty (FFD) procedures. Additionally, the employee indicated that the type of medication does not have any physical or mental affects that would impair the officer's FFD suitability to perform security duties. This was confirmed by the licensee's medical review officer (a licensed physician).

Violation: Failure to meet the licensee's written FFD procedure that is required by 10 CFR 26.27.

Minor because: A licensed physician confirmed that the medication would not impair the officer from performing their security duties.

Not minor if: The medication could have impaired or prevented the officer from effectively implementing their security response duties.

Example g: A security officer performing access control functions (x-ray machine operator) at the access control facility discovered that their gas mask filters had exceeded the expiration date by two days. Upon discovery, the licensee relieved the officer of duties until they were provided current gas mask filters. The officer was one of the committed armed contingency responders. The licensee conducted an extent of condition review and determined that the issue was isolated and all other gas mask filters issued to officers were up-to-date.

The violation: Failure to meet the requirements of 10 CFR 73.46(g)(5) and the NRC-approved security plan, for ensuring a physical protection related subsystem was maintained in operable condition.

Minor because: The success of the licensee protective strategy was not contingent on the duties of the access control officer if they were attacked by gas at that location. The final access control officer controlled all critical shutdown points. The officer was not previously assigned to response position that could be significant to the licensee's overall protective strategy during the time that the gas mask filter was expired.

Not minor if: The issue involved a security officer whose duties as a committed responder were significant to the licensee's implementation of their overall protective strategy.

Example h: A licensee employee self-reported that they had entered the site PA and inadvertently brought with them a small mace spray container that is

considered by the licensee's written security implementing procedures to be a contraband item and prohibited from being inside the PA.

Violation: Failure to control prohibited items in accordance with the licensee's security implementing procedures, and the NRC-approved security plan, for controlling items that are prohibited from the PA.

Minor because: The item was a small mace spray that was not used as a threat to the licensee and it was self-reported by the employee.

Not minor if: The employee attempted to use the mace as a threat and the event lead to a substantial security consequence (i.e., able to mace several tactical responders in a short period of time). If such a situation could happen with a coordinated attack, it has the potential to lead to a substantial security consequence.

Example i: The licensee failed to perform the weekly security lighting inspections as required by the licensee's written procedure. Upon discovery, the licensee immediately conducted the lighting inspection and discovered one small area inside the PA that was below the required illumination level for assessing unauthorized activities inside the PA. The licensee, using closed-circuit television, assessed the area from the CAS and the operator was capable of assessing activities in the affected area. The security department immediately submitted a work order request to get the lighting repaired.

Violation: Failure to meet the licensee's written procedures and NRC-approved security plan for security systems weekly testing.

Minor because: The area affected failed below the required illumination level. However, the licensee demonstrated that illumination in the area was sufficient to detect unauthorized activity.

Not minor if: It was determined that it was a significant degradation in the licensee's ability to adequately assess unauthorized activity in the area. For example, very low level lighting covering a large part of the PA that was not observable from the CAS and/or Secondary Alarm Station (SAS) and no compensatory measures were in place.

Example j: An event occurs where the licensee discovered that the SAS officer was found inattentive (appeared to be sleeping or unresponsive). At the time of the discovery, two qualified alarm station operators were performing duties inside the CAS.

The violation: Failure to maintain a primary and secondary alarm station as required by 10 CFR 73.46(e)(5) .

Minor because: The acceptable compensatory measure for a loss of one alarm station is to have two qualified operators inside the operational alarm station.

Not minor if: At the time of the event, there is only one qualified operator inside the operational alarm station or the inattentive officer's actions are determined to be willful.

Example k: During the conduct of a limited scope test at the access control portal, an access control security officer performed a search on an individual who failed the walk-through metal detector while entering the PA access control facility. The access control security officer, as required by the licensee's procedure, performed a handheld metal search on the individual. However, the officer's search failed to detect the training firearm on the individual resulting in the potential for the individual to enter the PA with a firearm.

The violation: Failure to detect attempts to introduce unauthorized material into the PA as required by 10 CFR 73.45(f)(2).

Minor because: The licensee has established a limited scope performance testing program that tests aspects of the overall security program. The program requires very strict safety controls and notification to management and the shift supervisor prior to being conducted. The failure was performed under a safe controlled environment for testing purposes. The officer was immediately removed from the duties to be retrained. Another qualified access control officer was posted at the access control point to perform access control functions.

Not minor if: The test was performed during an NRC inspection.

Example l: An NRC inspector requested to review a licensee's in-transit security response program for shipping Special Nuclear Material (SNM). Although the licensee had a security program for in-transit shipments, they informed the NRC inspector that they were not responsible for security of the shipments once the shipment departs their site. Since the licensee delivered the SNM to the carrier for transport, the inspector requested written confirmation that the receiver accepted responsibility for in-transit security. The licensee was unable to provide written confirmation.

The violation: Failure to properly arrange for in-transit physical protection of SNM of Low Strategic Significance as required by 10 CFR 73.67(g)(1)(v), which requires that a licensee agree in writing to arrange for the in-transit physical protection when they are not the shipper.

Minor because: The licensee had in place an adequate in-transit physical protection program to respond if needed. In addition, there had not been an in-transit security event requiring them to respond.

Not minor if: There had been an in-transit security incident involving a shipment that the licensee was required to respond to but failed to do so.

Example m: The licensee conducted an audit of the random security inspections required to be performed by the shift security officers. During the audit the licensee noticed on the inspection log that three days prior to their audit, one of the inspected locations (i.e., exterior UF₆ cylinder pad within the Controlled Access Area [CAA]) was not inspected for anomalies by the shift security officer.

The violation: Failure to adequately conduct random security inspections as required by the licensee's written security procedure and the NRC-approved security plan.

Minor because: The licensee conducted an investigation and extent of condition review that revealed no anomalies and the officer responsible for the check indicated that he simply failed to check the area. The area is located within the CAA and is observable by security officers. In addition, the licensee's investigation revealed that there were no issues in the area and all material was accounted for.

Not minor if: At the time of the event, there was a discovered anomaly.

Example n: During an outside walkdown, the inspectors identified less than the required foot candles illumination between large storage boxes and other adjacent dimly lit areas. The licensee implemented temporary lighting until permanent lighting modifications could be implemented.

The violation: Failure to adequately illuminate the physical perimeter as required by the licensee's written security procedures and the NRC-approved security plan and regulations.

Minor because: The licensee conducted an investigation and extent of condition walkdown that revealed no other anomalies and determined that the dimly lit area was the result of recently moved storage items within the protected area which is observable by security officers.

Not minor if: A reportable event resulted as a result of the lighting degradation.

END

ATTACHMENT 1
Revision History for IMC 0616

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment and Feedback Resolution Accession Number (Pre-Decisional, Non-Public)
N/A	07/29/08 CN 08-021	This new IMC is for the use of FCSS and Region II inspectors. These Offices will no longer use IMC 0610.	No	ML081640248
N/A	ML11314A098 12/21/11 CN 11-042	Revision to include discussion of the significance of the violation	No	
N/A	ML14071A139 07/28/14 CN 14-017	Major rewrite. Updated NRC Enforcement Policy section numbers, added requirement to use four-part violation format, deleted Appendices B and C. and added new Appendix B, Examples of Minor Issues.	Yes	ML14142A309
N/A	ML15112A050 06/15/15 CN 15-011	Removed documentation requirement to include minor violations identified during allegation follow up. Inspection reports containing OUO-Security Related Information will not be disclosed to the public. The associated cover letters will be disclosed to the public and will include the number and severity levels of violations. Addition per SRM-SECY-14-0034.	No	ML15112A055