



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

June 15, 2018

MEMORANDUM TO: Those on the Attached List

FROM: Anne T. Boland, Director */RA/*
Office of Enforcement

Mark S. Miller, Acting Director */RA/*
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: INTERIM GUIDANCE FOR DISPOSITIONING SEVERITY
LEVEL IV VIOLATIONS WITH NO ASSOCIATED
PERFORMANCE DEFICIENCY

This memorandum provides interim guidance for dispositioning Severity Level (SL) IV violations without an associated performance deficiency (PD). Using the existing guidance in Inspection Manual Chapter (IMC) 0612, "Issue Screening," the U.S. Nuclear Regulatory Commission (NRC) staff is directed to exercise enforcement discretion for these violations, absent specific and overriding enforcement guidance. However, Section 3.10 of the Enforcement Policy, "Reactor Violations with No Performance Deficiencies," provides the staff with flexibility in this area and states that the NRC "may exercise discretion for violations of NRC requirements by reactor licensees for which there are no associated performance deficiencies" (emphasis added).

Because of the extra review and approval required by the Offices of Enforcement and Nuclear Reactor Regulation for exercising enforcement discretion, significant resources can be spent dispositioning these violations in this manner. This resource expenditure is unwarranted in light of the very low safety significance of these violations, the fact that similar violations with an associated PD wouldn't normally require such a review, and the fact that the violation needs to be corrected by the licensee regardless of whether or not a PD exists. This interim guidance addresses that concern by providing a more streamlined process for dispositioning SL IV violations without an associated PD. Until permanent changes are made to IMC 0612 and/or the NRC Enforcement Manual, the following process will be used to disposition violations without an associated PD:

CONTACT: Gregory T. Bowman, NRR/DIRS
(301) 415-2744

1. Enforcement discretion under Section 3.10, "Reactor Violations with No Performance Deficiencies," will not be exercised for SL IV violations. Instead, SL IV violations with no associated PD will be documented using the guidance in Item 2 below, with no required review by Headquarters.
2. An NRC-identified or self-revealed SL IV violation without an associated PD will be documented in accordance with Table 3 in IMC 0611, "Power Reactor Inspection Reports." A licensee-identified SL IV violation without an associated PD will be documented in accordance with Table 8 in IMC 0611. Enforcement Policy Section 2.2.4 states that violations with no associated performance deficiency will be dispositioned using traditional enforcement. Therefore, violations dispositioned using the guidance in this memo should be assigned a severity level and should not be described as findings or assigned a color (e.g., Green).
3. Consistent with current practice, SL I, II, and III violations without an associated PD that are being considered for enforcement discretion under Section 3.10 of the Enforcement Policy will be brought to an enforcement panel and documented in accordance with the existing guidance in IMC 0611.

This interim guidance can be used for NRC-identified, licensee-identified, or self-revealed SL IV violations without an associated PD, as long as the violation meets the criteria described in Section 2.3.2 of the Enforcement Policy for disposition as a non-cited violation. Willful violations are not within the scope of this interim guidance and should be handled through the existing processes in IMC 0612, IMC 0611, the Enforcement Policy, and the Enforcement Manual.

The Division of Inspection and Regional Support will coordinate with the Regions and the Office of Enforcement to develop permanent guidance to streamline the review and documentation process of SL IV violations with no associated PD, at which point this memo will be rescinded.

If you have any questions regarding this memorandum, please contact Gregory Bowman, Chief, Reactor Oversight Process Assessment Branch at (301) 415-2744, or Juan Peralta, Chief, Enforcement Branch at (301) 287-9510.

SUBJECT: INTERIM GUIDANCE FOR DISPOSITIONING SEVERITY LEVEL IV
 VIOLATIONS WITH NO ASSOCIATED PERFORMANCE DEFICIENCY
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WITH NO ASSOCIATED PERFORMANCE DEFICIENCY

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