



Disputed Violations

Presented by:

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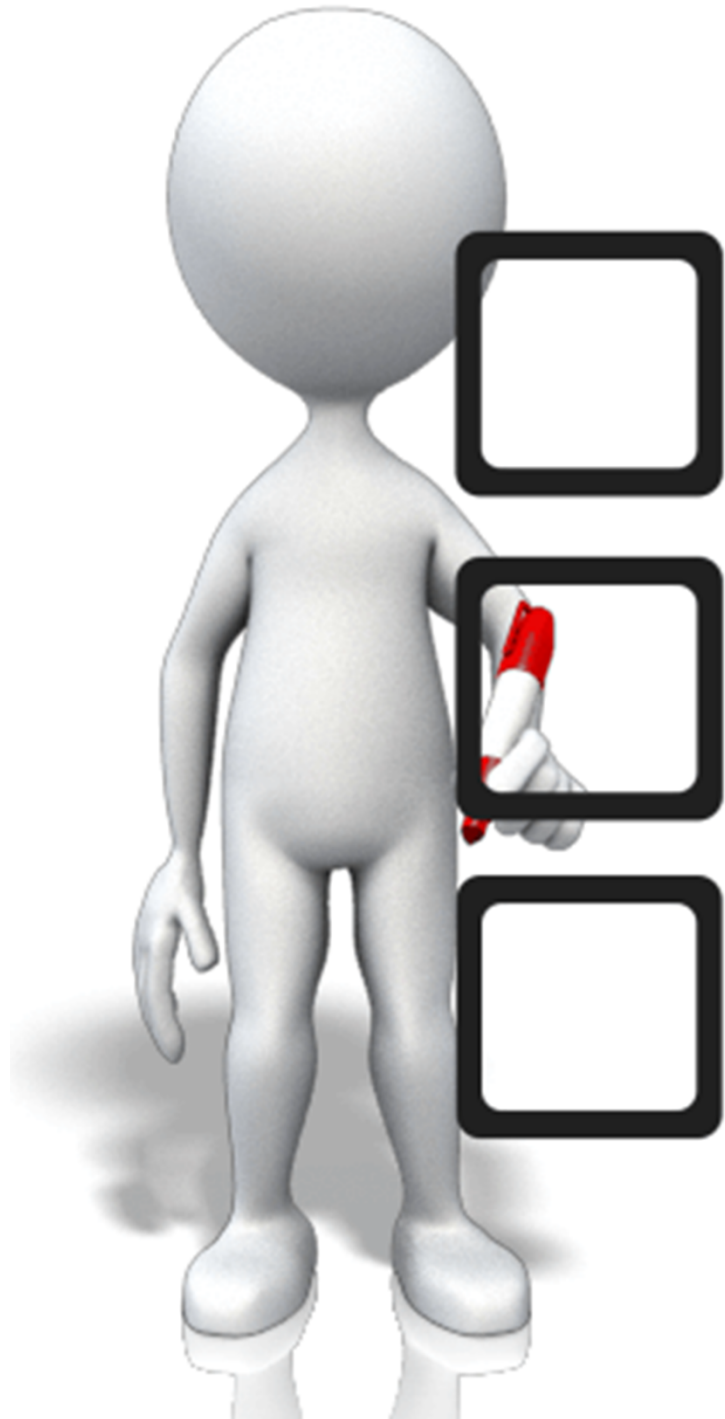
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Region IV

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Outline

Background

Inspector Best Practices

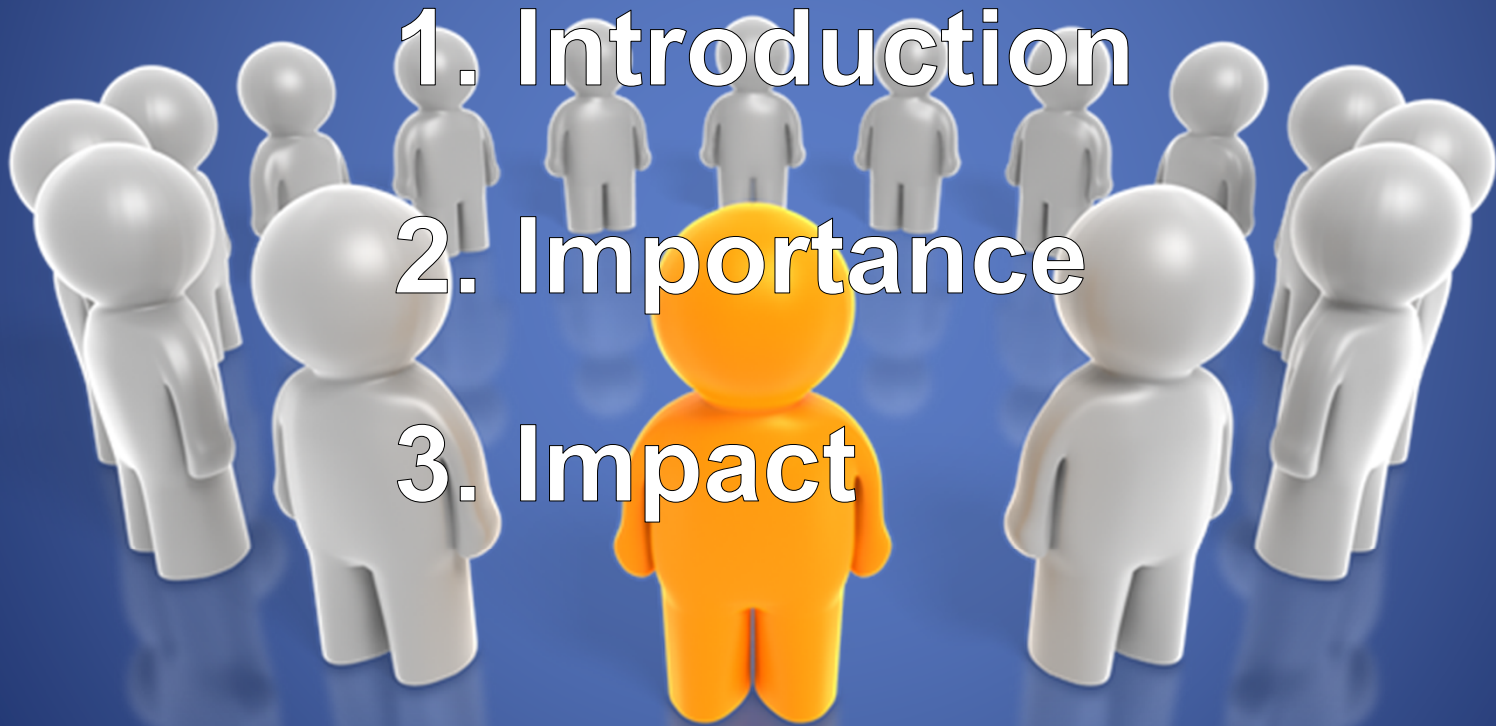
Independent Review
Process

Background

1. Introduction

2. Importance

3. Impact



Background

1. Introduction

- Cover Letter Language
- Enforcement Policy
- Enforcement Manual

Cover Letter Language

- Inspection Manual Chapter 0611, Exhibit 4, “Inspection Report Cover Letter Templates”
- RPS Report Generator
- Example:

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region IV; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC resident inspector at the Wolf Creek Generating Station.

If you disagree with a cross-cutting aspect assignment in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your disagreement, to the Regional Administrator, Region IV; and the NRC resident inspector at the Wolf Creek Generating Station.

Enforcement Policy

- Section 2.3.2, “Noncited Violation”
- Excerpt:

If a licensee or nonlicensee has implemented a corrective action program that is determined to be adequate by the NRC,² the NRC will normally disposition SL IV violations and violations associated with green ROP or cROP findings as noncited violations (NCVs) if all the criteria in Paragraph 2.3.2.a. are met.

For licensees and nonlicensees that are not credited by the NRC as having adequate corrective action programs, the NRC will normally disposition SL IV violations and violations associated with green ROP or cROP findings as NCVs if all of the criteria in Paragraph 2.3.2.b. are met. If the SL IV violation or violation associated with a Green ROP or cROP finding was identified by the NRC, the NRC will normally issue a Notice of Violation.

Inspection reports or inspection records document NCVs and briefly describe the corrective action the licensee or nonlicensee has taken or plans to take, if known. Licensees and nonlicensees are not required to provide written responses to NCVs; however, they may provide a written response if they disagree with the NRC’s description of the NCV or dispute the validity of the NCV.

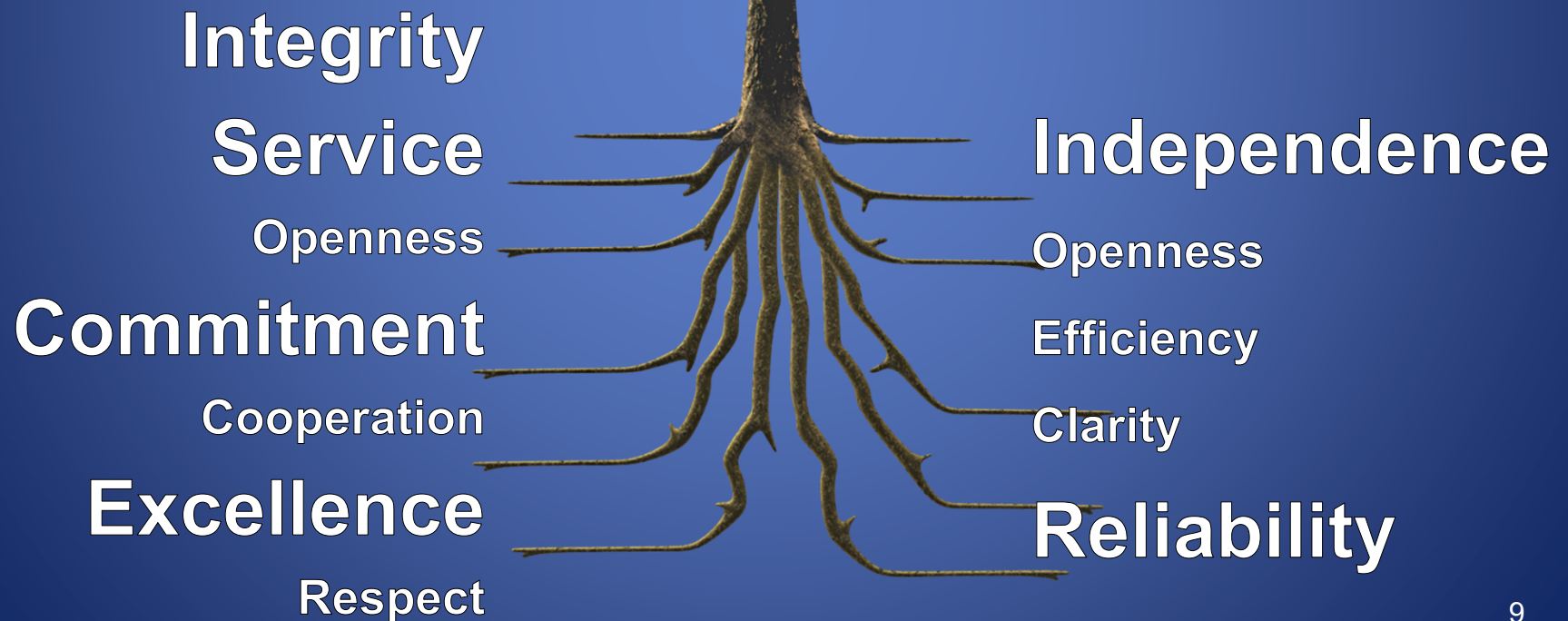
Enforcement Manual

- Section 2.2.7, “Licensee Disputes of NCVs”
- Excerpt:

- A. Licensees are not required to provide written responses to NCVs; however, they may respond in order to dispute such violations.
- B. If a licensee disputes that a docketed NCV is a violation, the region should respond by following the process described in Section 2.3.7, Dispute Process for Non-Escalated Enforcement Actions.

Background

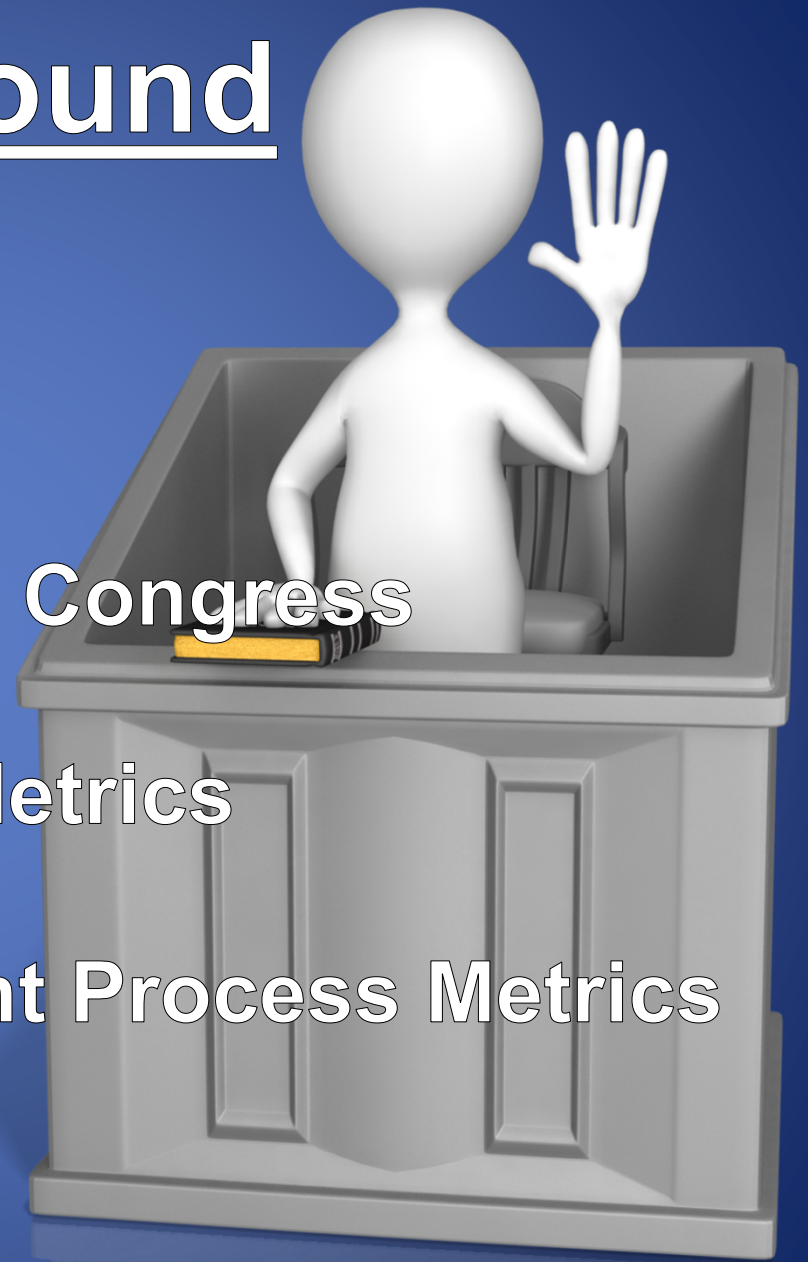
2. Importance



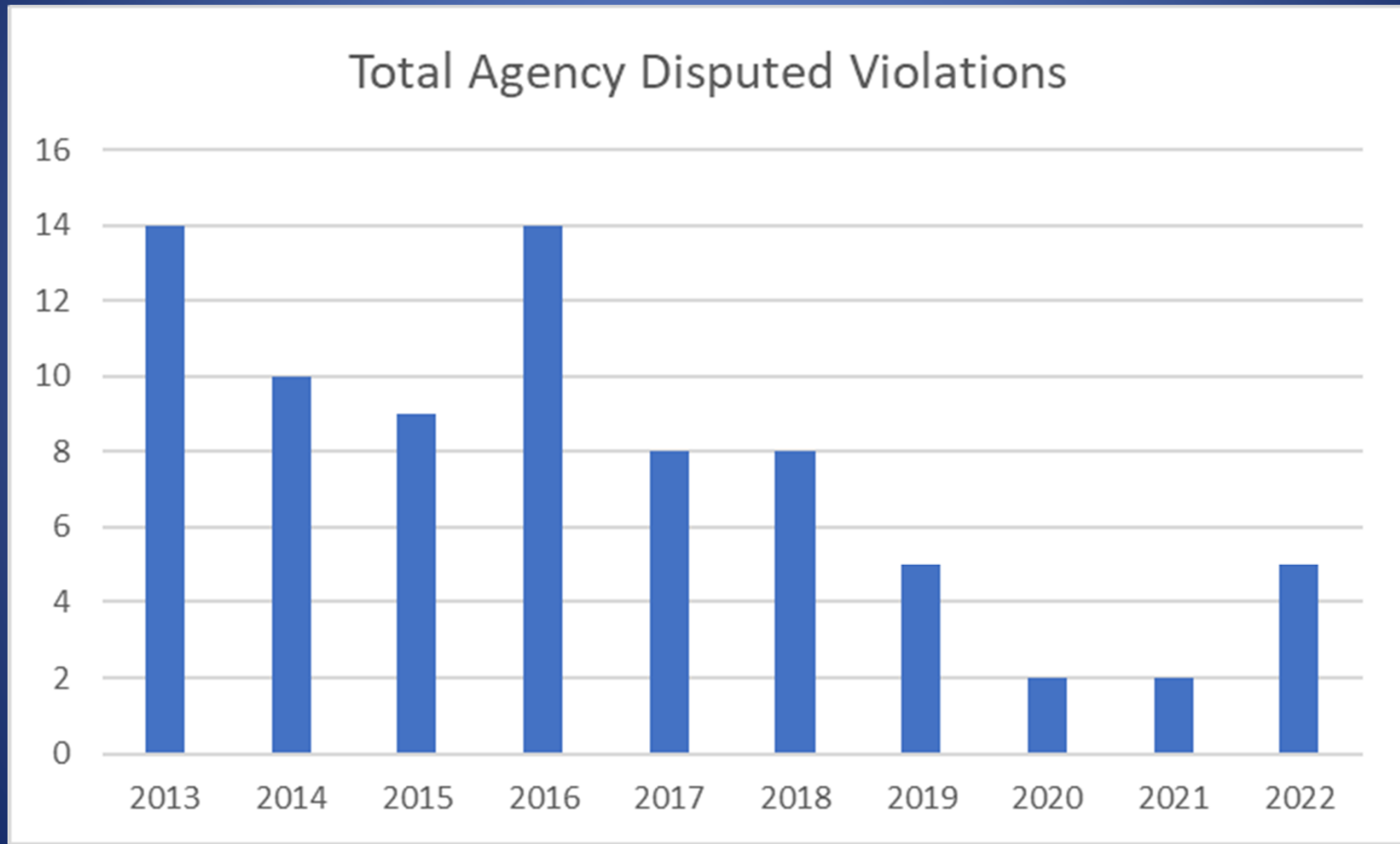
Background

3. Impact

- Annual Report to Congress
- Operating Plan Metrics
- Reactor Oversight Process Metrics

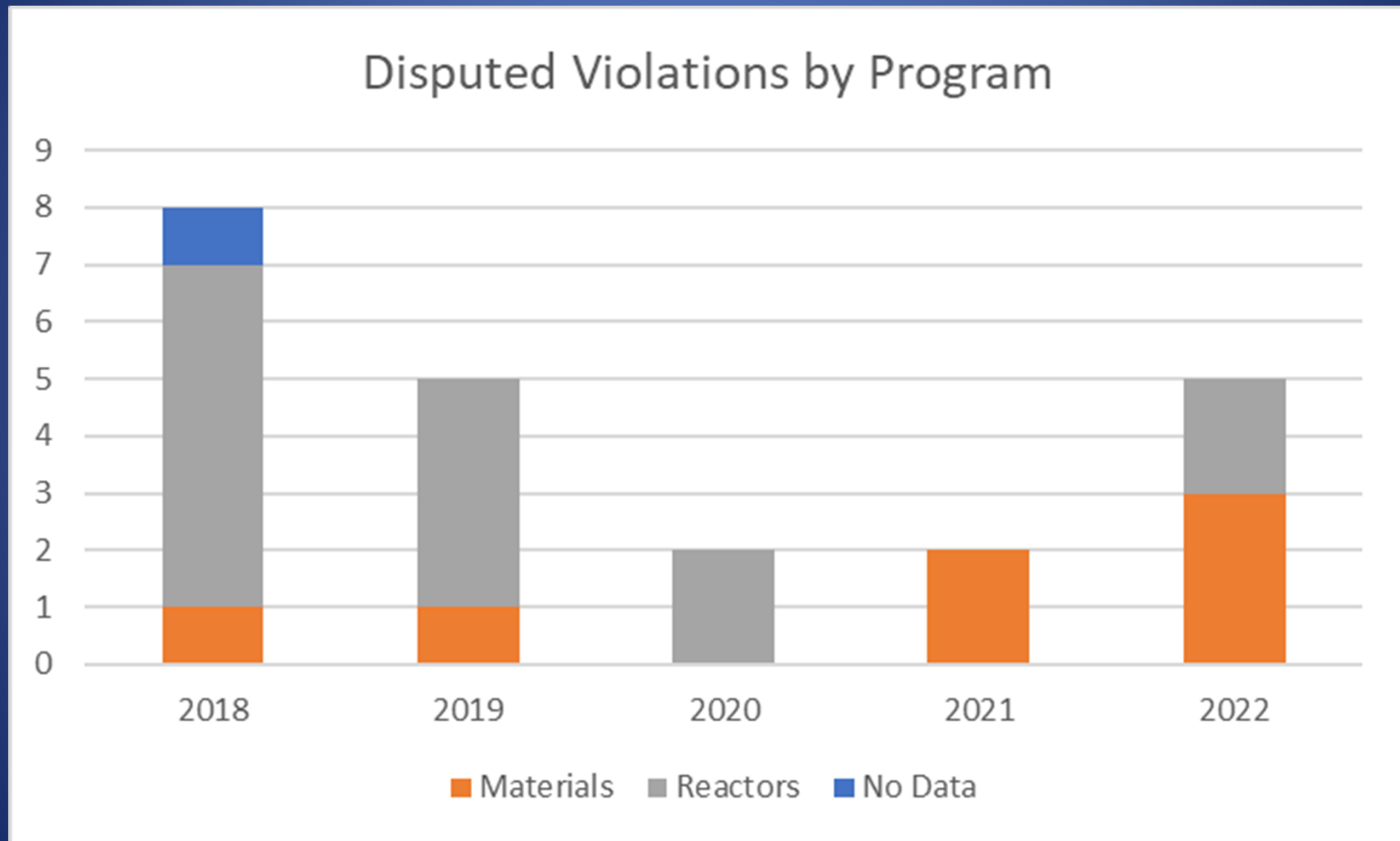


By the Numbers



*Graphs are based on Office of Enforcement dashboard data as of February 21, 2023.

By the Numbers



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Inspector Best Practices



1. Professionalism

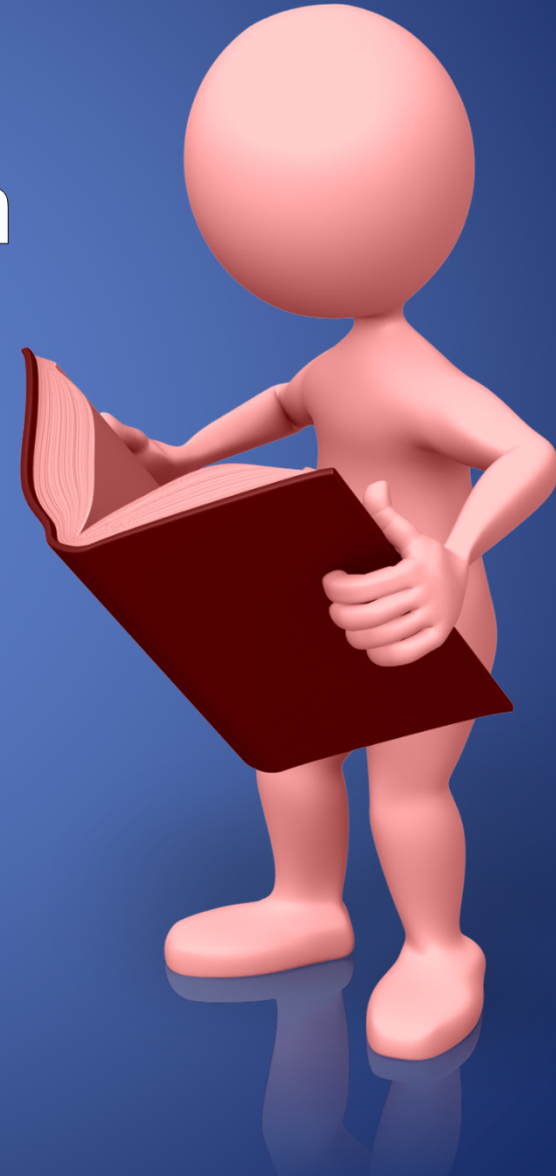
2. Focus on Facts

3. Communication

Inspector Best Practices

1. Professionalism

- Do Your Homework
- Ownership
- Demeanor



Inspector Best Practices

2. Focus on Facts

- Entrances
- During the Inspection
- Exits
- Documentation



Inspector Best Practices

3. Communication

- Licensee
- Branch Chief
- Call the Experts
- NRC Management
- Enforcement Specialists



Independent Review Process

1. Entering the Process

2. Beginning the Process

3. Independent Review

4. Results

5. Response



Independent Review Process

1. Entering the Process

- Enforcement Manual, Section 2.8.1, “Disputed Violation Resolution Process”
- Excerpt:

- A. If a licensee submits a contestation of the facts and/or conclusions regarding an NOV (or NCV) or disagrees with the severity level or significance of the violation, the region or headquarters program office will treat the response as a disputed violation.
- B. The reviewers should follow the ROP or cROP (e.g., IMC 0609 or IMC 2519) and applicable Manual guidance if a power (or construction) reactor licensee disagrees with the significance of a colored finding (i.e., Green, White, Yellow, or Red).

Independent Review Process

2. Beginning the Process

- Enforcement Action (EA) Number
- Enforcement Specialist Actions
- Planning Meeting
- Acknowledgement Letter

H. After the planning meeting, the region will send a letter to the licensee acknowledging receipt of their dispute letter and provide a general time frame when an NRC response will be forthcoming (based on the schedule agreed to at the planning meeting). The acknowledgment letter should be sent no later than 30 days from the date of receiving the licensee's dispute letter. An acknowledgement letter is not required if a licensee's dispute can be answered within 30 days.

Independent Review Process

3. Independent Review

- Escalated vs. Non-Escalated
- Enforcement Manual Excerpt:

2. Determining the number and availability of staff members needed to review the various points of contention raised in the letter. These persons should be independent of the original enforcement action.
 - a. If the original enforcement action was non-escalated , the licensee's denial should be reviewed by independent reviewers from the impacted region or program office (with an option to assign the review to another region or program office).
 - b. If the original enforcement action was an escalated concern, the licensee's denial should be reviewed by a team of independent reviewers and led by a team lead from another region and/or program office. An independent OE ES should also be assigned to the team.

Independent Review Process

4. Results

- Upheld
- Revised
- Rescinded



Independent Review Process

5. Response

- Timeliness
- Concurrence
- Signature Authority
- Section 2.8.2, “Documenting Responses to Disputed Violations”
- Licensee Recourse

Examples

Wolf Creek 2016003:

Licensee dispute: ML16350A100

NRC acknowledgement: ML16354B181

NRC response: ML17131A067

Callaway 2022010:

Licensee dispute:

ML22318A188, ML22318A189, ML22318A190

NRC acknowledgement: ML22325A336

NRC response - N/A not complete yet

References

1. Enforcement Policy
2. Enforcement Manual
3. Inspection Manual Chapter 0611, Exhibit 4, “Inspection Report Cover Letter Templates”
4. Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”



**THANK
YOU**