




Force-on-Force and Baseline Security Inspection Programs – Enforcement Process

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Enforcement Process
Overview

- **Identify** violations
- **Assess** significance of violations
- **Disposition** the violations
- **Violations** are the failure to comply with a requirement such as: Title 10 of the Code of Federal Regulations, Technical Specifications, or a License condition



Enforcement Process
Reactor Oversight Process

- Significance Determination Process (SDP) uses risk insights, where appropriate, to determine security significance of inspection findings for Operating Reactors and supplements the enforcement policy
- Baseline security SDP's are utilized once a performance deficiency was evaluated to be more than minor and determined to be in the security area

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Reactor Oversight Process

- SDP findings are assigned a color depending on the security significance and documented in an inspection report
 - Red – High security significance
 - Yellow – Substantial security significance
 - White – Low-to-moderate security significance
 - Green – Very low security significance
- Baseline security SDP incorporates areas of material control and accounting, protection of safeguards information, and physical protection (MC 0609 Appendix E, Part 1)

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Enforcement Process
Reactor Oversight Process

- Force-on-Force (FOF) SDP evaluates licensee exercise performance of triennial FOF inspections
- Physical Protection Significance Determination Process (PPSDP) is used to evaluate physical protection attributes of access authorization, access control, physical protection system, and contingency response
- Significance Screen for physical protection is used to augment the PPSDP by using a set of selected events that share common characteristics and application of a probability/time analysis tool

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Reactor Oversight Process

- Exceptions to using only the Operating Reactor Assessment Program
 - Actual safety and security consequences
 - Potential for impacting the NRC's ability to perform its regulatory function
 - Violations involving willfulness
 - Violations of NRC requirements for which there is no associated SDP performance deficiencies
- Typically these types of violations are disposition using traditional enforcement

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Enforcement Process

Traditional Enforcement

- Refers to the process for the disposition of violations of NRC requirements, including those that cannot be addressed only through the Operating Reactor Assessment Program.
- Traditional enforcement violations are assigned severity levels and typically include, but may not be limited to, those violations involving
 - (1) actual safety and security consequences,
 - (2) willfulness,
 - (3) impeding the regulatory process,
 - (4) discrimination,
 - (5) issues for which no ROP performance deficiency can be identified,
 - (6) materials regulations, and
 - (7) deliberate violations committed by individuals.

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Enforcement Process

Traditional Enforcement

- Severity Level (SL) designations reflect the different degrees of significance depending on the activity area in which the SL is designated.
 - SL I - Violations that result or could have resulted in **serious** security consequences
 - SL II - Violations that result or could have resulted in **significant** security consequences
 - SL III - Violations that result or could have resulted in **moderate** security consequences
 - SL IV - Violations that are less serious, but are more than minor concerns

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Traditional Enforcement

- All traditional enforcement violations are assigned a SL
- Enforcement Policy provides violation examples for each of the four SLs in 14 activity areas
- SL may be increased if violation determined to be willful

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Enforcement Process

Dispositioning Violations

- Section 2.3 of the Enforcement Policy describes the various ways the NRC can disposition violations
 - Minor Violations
 - Non-cited Violations
 - Notice of Violations
 - Civil Penalties
 - Orders
- Section 3.0 of the Enforcement Policy describes the use of Enforcement Discretion

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References

- NRC Enforcement Policy
<http://www.nrc.gov> (select **About NRC**, then **How We Regulate**, then **Oversight, Enforcement**, then **Enforcement Policy**)
- NRC Enforcement Manual
<http://www.nrc.gov> (select **NRC Library**, then **Basic References**, then **Key Guidance Documents**, then **Enforcement Manual**).
Inspection Manual Chapters
<http://www.nrc.gov> (select **NRC Library**, then **Document Collections**, then **Inspection Manual, Manual Chapters**). Security Manual Chapters are designated "Official Use Only - Security Related Information"

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