

NRC INSPECTION MANUAL

DUWP/RDB

INSPECTION MANUAL CHAPTER 0610

NUCLEAR MATERIAL SAFETY AND SAFEGUARDS INSPECTION REPORTS

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0610-01 PURPOSE

- 01.01 Provide guidance on inspection report content, format, and style for Nuclear Material Safety and Safeguards (NMSS) narrative inspection reports.
- 01.02 Provide requirements for documenting inspections and findings of significance, noncompliances, and observations.
- 01.03 Ensure that all violations of U.S. Nuclear Regulatory Commission (NRC) requirements by licensees are appropriately dispositioned in accordance with the NRC Enforcement Policy.

0610-02 OBJECTIVES

- 02.01 Clearly communicate significant inspection results in a consistent manner to licensees, NRC staff, and the public.
- 02.02 Provide conclusions about the inspected programs or activities regarding their compliance with regulatory requirements. The depth and scope of the conclusions should be commensurate with the depth and scope of the inspection.
- 02.03 Document the basis for findings of significance for any enforcement action (EA), as appropriate.

0610-03 DEFINITIONS

Assessment. An evaluation of the overall performance of the licensee. The evaluation includes collection of information to enable the NRC to develop objective conclusions about a licensee's safety performance. Based on this assessment information, the NRC determines the appropriate level of response such as performing supplemental inspections, conducting meetings with licensee management, or issuing Orders. Note that assessments are different from observations because observations only communicate factual details and do not draw conclusions.

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

Conclusion. An assessment that relates the inspection results to the broader context of a licensee program.

Controlled Unclassified Information Program (CUI). Information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies.

Minor Violation. A violation that is less significant than a SL IV violation. Minor violations do not warrant enforcement action and are not normally documented in inspection reports. However, minor violations must be corrected.

Non-Cited Violation (NCV). A method for dispositioning a SL IV violation that meets the criteria in Section 2.3.2 of the NRC Enforcement Policy.

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

Nonconformance. A vendor's or certificate of compliance (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 (NOV). A written notice setting forth one or more violations of a legally binding requirement (see 10 CFR 2.201, "Notice of Violation").

Observation. A factual detail noted during an inspection which is documented in an inspection report when the governing inspection procedure allows. Note that assessments are different from observations because observations only communicate factual details and do not draw conclusions.

Reactor Program System – Inspection Module (RPS-Inspections). A web-based application that provides an integrated methodology for managing, planning, scheduling, reporting, documenting, and analyzing certain inspection functions and activities performed 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 response to an NOV or a commitment as part of a performance improvement program.

Regulatory Requirement. A legally binding obligation such as a statute, regulation, license condition, or Order that is enforceable by the NRC.

Safeguards Information (SGI). Safeguards information is a special category of sensitive unclassified information authorized by Section 147 of the Atomic Energy Act to be protected. Safeguards information includes the physical protection of operating power reactors, spent fuel shipments, strategic special nuclear material, or other radioactive material.

Severity Level (SL). The significance of a violation evaluated under Traditional Enforcement.

Team Inspection. An inspection that includes three or more NRC-qualified individuals conducting an inspection.

Unresolved Item (URI). An issue associated with an inspection activity that requires more information to determine if it constitutes a noncompliance.

Violation. The failure to comply with a legally binding regulatory requirement, such as a statute, regulation, order, license condition, or technical specification. Violations can be non-cited, cited, escalated, or dispositioned using enforcement discretion.

Very Low Safety Significance Issue Resolution (VLSSIR) Process. A process used to discontinue inspection of an issue involving ambiguity in the licensing basis, design basis, or applicability of regulatory requirements or licensee self-imposed standards in which: (1) the resolution of the issue would require considerable staff effort; and (2) the agency has chosen to not expend further effort to resolve the question because the issue would be no greater than

Green under the reactor oversight process (ROP) or SL-IV under the traditional enforcement process, if resolved.

Web-Based Licensing (WBL). A web-based application that provides an integrated methodology for the licensing and inspection functions of nuclear materials licensees.

0610-04 RESPONSIBILITIES

04.01 General Responsibilities

- a. Document inspections in accordance with the direction provided in this Inspection Manual Chapter (IMC). Each inspection of a licensee, non-licensee in possession of licensable quantities of radioactive material, vendor, and certificate holder shall be documented in an inspection report.
- b. Observational site visits of Federal Partners and some non-licensees should be documented in trip reports attached to memoranda to the docket file (if one exists).

04.02 Inspectors

- a. Prepare inspection and trip reports in accordance with the guidance provided in this IMC.
- b. Ensure that observations and noncompliances are accurately reported, referenced material is correctly characterized, and the scope and depth of conclusions are adequately supported by documented observations and noncompliances.
- c. Ensure that the content of the report does not conflict with the information presented at the exit meetings. If the report differs 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. For inspections conducted by both regional and resident inspectors, and for Part 71 and 72 CoC holder inspections, the report numbers and inspection report documentation should be controlled using the Reactor Program System (RPS) application, except for the nuclear materials users (NMU) business line. NMU inspection reports will be managed using the WBL application.
- e. For all sites that have security or material control and accountability (MC&A) related information, the lead inspector should ensure a screening of inspection reports is performed to verify that no inappropriate security or MC&A information is contained within publicly available inspection reports.

04.03 Branch Chief (or designee) and Management

- a. Ensure familiarity with NRC requirements in the inspected area. Review each inspection report prior to issuance to ensure that the report follows the guidance given in this IMC.
- b. Ensure that documented noncompliances are consistent with NRC policies and technical requirements, that enforcement-related violations 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 identified noncompliances.

- c. Ensure that 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. At 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. Maintains responsibility for the report content, conclusions, overall regulatory focus, and timeliness of inspection reports. Typically, stand-alone reports are issued no later than 30 days after the exit meeting. Team reports are issued no later than 45 days after the exit meeting.
- e. Is responsible for issuing integrated and similar reports for inspections conducted on a quarterly basis. These reports are issued no later than 45 calendar days after the last day of the quarter.
- f. Has the authority to make program adjustments related to inspection frequency within the limitations described in this IMC for the inspection program area, to satisfy the needs of the issuing branch.
- g. Ensures that use of VLSSIR process is considered in a timely manner before excessive resources are expended on low-safety significance issues involving ambiguity in requirements. Manages the decision-making process and ensures the decision is documented in accordance with NRC policy.

04.04 Division of Decommissioning, Uranium Recovery & Waste Programs, Reactor Decommissioning Branch is responsible for:

- a. Providing interpretations and support for information contained in this IMC in coordination with other NMSS divisions as applicable.
- b. Answering questions related to program guidance.
- c. Facilitating resolution of identified gaps in IMC directions and guidance.
- d. Updating program guidance to address identified gaps.

0610-05 GUIDANCE FOR INSPECTION REPORT CONTENT

Inspection results shall be reported to the licensee by issuance of an inspection report consisting of: (1) a cover letter signed by the cognizant Branch Chief, Division Director, Regional Administrator, or other designee, depending on the significance of any violations; (2) an NOV if applicable; (3) an inspection cover sheet; and (4) report details.

The NRC inspection report is the document that states the official Agency position on the inspection scope, any observations, assessments, noncompliances, and/or URIs noted by the inspectors, and any conclusions that were reached relating to the inspection. All enforcement, routine and escalated, and all other Agency actions that may result from 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 guidance on the contents of inspection reports for most NMSS inspections. **Exhibit 1 provides general templates for each included section of the inspection report.** Exhibit 2 provides the basic outline for most NMSS narrative inspection reports, with some exceptions. Exhibit 3 provides a matrix of the various sections of the inspection report and the types of information (URIs, NOVs, etc.) documented or discussed in each report section. The Regions or NMSS staff 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 this IMC. The inspector is advised to use the template for the particular discipline as a starting point. Some disciplines call for a more detailed description than others. In general, provide enough detail that the report will be understandable and useful during subsequent inspections and enable the licensee to develop appropriate corrective actions when necessary.

As described in IMC 2800, "Materials Inspection Program," certain NMU inspections may be documented using NRC Forms 591M, "Materials Inspection Report," and 592M, "Materials Inspection Record." Guidance regarding NMU inspections reports is provided in Attachment 2, "Nuclear Materials Inspection Documentation," and IMC 2800, Section 09, "Documentation of Inspection Results." Materials Inspectors should consult the guidance provided in IMC 2800 when working with the following sections of this IMC: Sections 5.06 and 5.07, and the following sections in their entirety: Sections 0610-08, 0610-09, 0610-10, 0610-13, 0610-14 and 0610-15.

05.01 Cover Letter

The purpose of the cover letter is to transmit the inspection report results to the licensee. Inspection reports are transmitted using a cover letter signed by the applicable NRC official as delegated by NRC headquarters or the regions to the designated licensee executive.

- a. Cover Letter Content. Cover letter content varies somewhat depending, in part, on whether the inspection identified violations and whether the inspection was a routine or reactive inspection. In general, every cover letter is based on a standard letter from the NRC Enforcement Manual, Appendix B (<https://www.nrc.gov/reading-rm/basic-ref/enf-man/app-b.html>), and has the same basic structure as follows:
 1. At the top of the first page, the cover letter begins with the NRC letterhead with seal and address, followed by the date on which the report cover letter is signed and the report is issued.
 2. For cover letters transmitting report details with violations 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, for event-related documents, the Nuclear Materials Events Database (NMED) number should be included on the cover letter below the EA number.
 3. 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.

4. **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. Note that the salutation is placed after the subject line.
5. **Introductory Paragraphs.** The first one or two paragraphs of the cover letter should give a brief introduction, including the type of inspection report, except for security and safeguards reports. Include the name of the lead licensee contact present at the exit meeting as well as the exit date; for example, "The NRC inspectors discussed the results of this inspection with [name and title of lead licensee representative] and other members of your staff on [date of exit meeting]. The results of this inspection are documented in the enclosed report."
6. **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 will not) detail all of the items inspected and the inspection procedures used. It will note the areas covered by the inspection. The cover letter provides a brief, high-level summary of significant issues and noncompliances. The cover letter's conclusions must be supported in the report details. If there were no findings of significance or noncompliances, add a sentence like, "No findings or violations of more than minor significance were identified during this inspection."

The tone of the cover letter must have the 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 violations 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. The cover letter must include the final exit meeting date.

Lastly, the cover letter 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 using a cover letter to an inspection report is not the appropriate method for accomplishing this type of action.

For security and safeguards related inspection reports, the content of a publicly available cover letter to a non-public inspection report and NOV should be limited.

The cover letter should closely follow the template provided in the Enforcement Manual. The number and SL of the violations identified should be stated, if the violations are NCVs or SL-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 NOV 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 publicly available cover letter.

A publicly 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, pre-decisional enforcement letters, and final determination letters. In the instance that a security or safeguards-related inspection report does not contain a NOV, the publicly 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, the Office of Enforcement (OE), the Office of the General Counsel 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.

7. 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 cc: list. The distribution list is then provided on the concurrence page. As applicable, the LISTSERV® cc is meant for external recipients, and the distribution list is for internal recipients. An example is below.

Docket No. 050XXXXX
License No. SNM-XXXX

Enclosure:

1. Notice of Violation [if necessary]
2. Inspection Report No. [Docket and Report Numbers]

cc w/ encl: Distribution via LISTSERV®

DISTRIBUTION:

X. XXXX, Regional Director
X. XXXX, Regional Branch Chief
X. XXXX, NMSS Project Manager
Regional distribution list(s)
PUBLIC

Add additional NRC and external staff to the distribution list as needed.

For some materials and decommissioning licensees, the distribution list should include the email addresses of selected licensee staff who may not routinely use LISTSERV.

- b. NOV (If Applicable). Licensees are officially notified that they have failed to meet regulatory requirements when NRC issues an NOV. An NOV is normally 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's 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 0610-07 of this document.

05.02 Inspection Report Cover Page

The report cover page gives a brief summary of information about the inspection. It contains the docket/certificate number, report number, Enterprise Identifier or Cost Activity Code, licensee, facility name (including the applicable units), location (City*, State abbreviation), dates of inspection, names and titles of participating inspectors, and name and title of the approving NRC branch chief or manager.

The report number sequence is as follows: Docket No. (eight digits)/Year (four digits) followed by the sequential number of the report in that year. The inspection report number sequence depends on the material type (byproduct, source, special nuclear material, etc.). Examples include 0500XXXX/20YY00X or 0400XXXX/20YY00X.

05.03 Summary

Include a paragraph similar to the following and modify it to accurately describe the content of the report regarding violations, and licensee-identified violations.

"The U.S. Nuclear Regulatory Commission (NRC) conducted an inspection of [state what was inspected]."

- a. List of Findings of Significance and Violations. Copy the violation headers from the write-ups done for Section 0610-08, "Documenting Violations," and Section 0610-14, "Licensee Identified Violations." Organize the violation headers by the order in which

*When determining location, if county is more appropriate for the site, then this may be used instead of city.

they appear in the inspection report. If no violations were identified, include a statement similar to “No violations of more than minor significance were identified”, as appropriate, under the List of Violations section.

- b. Additional Tracking Items. **As appropriate**, include a list of items opened, closed, and discussed which are not directly covered in the List of Violations above. Examples include URIs, confirmatory action letters, and confirmatory orders. For each listed item, include the item type, tracking number, title, status (i.e., Open, Closed, or Discussed), a reference to the appropriate report section, and a summary of the item.

05.04 Table of Contents (if applicable)

For reports that are considered complicated or are of significant length (e.g., the Report Summary section to the Exit Meetings section is more than 20 pages long), the writer should include a table of contents as an aid to clarity. This requirement does not apply to most stand-alone inspection reports.

05.05 Site Status

Include a Site Status section, if appropriate. Briefly describe the overall operations at the facility and site status for the report period. An example of status would be a short discussion of the normal activities that were in progress during the inspection or list of degraded conditions that significantly affected operations.

05.06 Inspection Scope

This section details the specific items such as activities, equipment, or programs that were inspected and the regulatory standards that were used to determine if the licensee was in compliance. In most cases, the scope should be consistent with the Inspection Procedure (IP) used in performing the inspection. When describing the Scope, it is acceptable to state either what the inspector(s) did, or what the inspection accomplished. That is, the 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 should describe why certain items were inspected. For example, “...to determine compliance with...”

There should always be a readily identifiable connection between the scope of the inspection procedure, the stated Scope in the report, 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 (e.g., representative samples); (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.

- a. Scope Paragraph. Include a paragraph similar to the following one at the beginning of the scope sections:

Inspections were conducted using the appropriate portions of the IPs in effect at the beginning of the inspection unless otherwise noted. Currently approved IPs with their attached revision histories are located on the public website at

<http://www.nrc.gov/reading-rm/doc-collections/insp-manual/inspection-procedure/index.html>. Inspections are declared complete when the objectives of the IP are met consistent with the requirements in the applicable IMC xxxx, "Title." Sample text could include, "The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel to assess licensee performance and compliance with Commission rules and regulations, license conditions, site procedures, and standards."

- b. Individual Inspection Scopes. Following the general scope paragraph, subsequent sections include, when appropriate, the applicable IPs or Risk Modules. For inspection activities performed, identify the report section by the IP number and title. Then include a scope section about the specific inspection activity. An example is shown below.

IP XXXXX – [Name of IP]

Add applicable scope text for IP XXXXX. Modify to match what was actually performed (i.e., remove elements that were not inspected).

[Name of IP Section Number] (IP Section XX.XX)

Add the scope text for Section XX.XX. **For example:** "Observe one or more ongoing or completed decommissioning activities. The inspectors observed the following activities:

- Demolition of room/building X, Y and Z
- Implementation of radiation work permit XXX for building demolition
- Waste packaging operations during demolition activities^{xxx}

All inspection scopes shall be listed under the IP that was used to conduct the review. The scope should focus on the activities conducted to follow-up on the issue, but it should not mention any opinions about the adequacy of licensee actions. For follow-up on previously identified issues, inspectors should typically use the IP and Inspection Report number under which the item was originally opened. For event follow-up, the inspectors should use the IP most closely related to the event. Additional details about the Inspection Scope are provided in IMC 0610, Exhibit 1, "Inspection Report Templates."

05.07 Inspection Results

Organize the inspection results (e.g., information documented using Sections 0610-08 through 0610-14) grouped by IP, applicable IP section, and finally by the order of the table used in this IMC to document the results. If the results of the inspection are that no more than minor violations were identified, include a statement similar to, "No violations of more than minor significance were identified." Details of minor violations should not normally be documented.

For security, MC&A and safeguards inspection reports that contain Official Use Only, Safeguards Information, or Classified Information, care must be taken to ensure the proper screening review for classified information is performed. If all the information required 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.

Security inspection reports containing official use only security-related information (OUO-SRI) or safeguard information (SGI) will not be made available to the public and need to have proper control and portion markings. However, security inspection report cover letters will be made publicly available after removal of any security-related attachments to the letter. Inspectors must carefully review inspection reports for these types of sensitive information, including proprietary information. Inspection reports which do not contain SGI, OUO-SRI, or CUI can be made publicly available.

Reports containing results from MC&A inspections may or may not be made publicly available depending on the level of detail necessary for documentation. If the inspection results in no more than minor violations, then results may be documented in a publicly available report giving a level of detail such as found in these sample reports (ML24120A226 and ML22144A338). Should additional details or violations need to be documented, then a non-public inspection report with a publicly available cover letter is appropriate.

The inspector should note that the determination of willfulness associated with a violation is an agency decision and is normally made 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.

05.08 Exit Meetings

This section follows the Inspection Results section and briefly summarizes the exit meeting(s), which is/are also described in the first paragraph of the cover letter and which identifies the most senior licensee manager who attended the meeting(s).

Inspectors are required to meet with licensee management as part of every inspection to discuss their preliminary observations and findings with the licensee's management at a scheduled exit meeting. Exit meetings with licensee personnel should be scheduled to have the minimum impact on other licensee activities necessary. Inspectors may coordinate with the licensees to consider whether the conduct of a virtual entrance or exit meeting is an acceptable alternative to the in-person method, with consideration of its potential to improve the NRC's efficiency and effectiveness.

The inspectors should verify that the information the inspector reviewed during the inspection, if intended to be included in the report, is not proprietary or classified. If the licensee does not identify any material as proprietary, the Exit Meetings section should include a sentence to that effect.

If the NRC's position on an identified noncompliance changes significantly after the exit meeting, that change should be discussed with the licensee before the report is issued. In this situation, the exit meeting at the end of the onsite inspection is referred to as a preliminary exit meeting, and the second meeting is referred to as the final exit meeting.

Any meetings to discuss the inspection findings outside of the exit meeting and associated with potential findings (violations, URI's, etc.) shall not be documented in this section.

Licensee responses should not be included in the exit meeting summary.

05.09 Third Party Reviews (if applicable)

In rare circumstances, it may be necessary to document the completion of third-party reviews in this section of a report. For example, state "The inspectors reviewed the Institute on Nuclear Power Operations reports that were issued during the inspection period." Omit this report section when there are no third-party reviews.

05.10 Documents Reviewed (if applicable)

A list of the documents and records reviewed during an inspection must be included in the inspection report where applicable. 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. At the discretion of the inspector, the list of documents may be sorted by IP number, order of importance, or alphabetically.

The following table provides an example of how to list the documents reviewed in the inspection report. The first column should include the applicable Inspection Procedure. If needed, the author should also include the section number of the IP. The second column is the type of document. The types may include procedures, drawings, work orders, and corrective action reports. If the type of document is not clearly identified, use "miscellaneous." The designation is the licensee's document number or other unique identifying information. The fourth column is the document name or description, and the fifth column is the revision number or date of the document. If any of the preceding information is unavailable and cannot be obtained, then the entry may be left blank.

Table 1: Documents Reviewed

| Inspection Procedure | Document Type | Designation | Description or Title | Revision or Date |
|----------------------|---------------|-------------|----------------------|------------------|
| 87104 | Drawing | M521-2 | Flow Diagram | 17 |
| | | | | |

05.11 Report Attachments (if applicable)

If desired, attachments (e.g., escalated enforcement supporting details or photographs) may be referenced and added to the end of the inspection report. The attachments may be combined into a single attachment entitled "Supplemental Information" if desired.

05.12 List of Acronyms (if applicable)

Acronyms should be spelled out when first used in inspection report text. 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 publicly available for publicly available inspection reports.

05.13 Cover Letter Enclosures (if applicable)

The inspection report, starting with the cover page, is typically the Enclosure to the cover letter. An additional cover letter enclosure may be necessary to communicate an NOV. If an NOV is included, the NOV will be Enclosure 1, and the inspection report will be Enclosure 2.

0610-06 SCREENING INSPECTION RESULTS

When conducting inspections, the NRC inspector reviews an appropriate sample of selected procedures, events, and operations; the inspector 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 with: (1) significant safety issues discussed in appropriate detail; and (2) less significant issues being succinctly discussed. 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. **When determining if significance is Minor/more-than-Minor, use any applicable IMCs/enforcement guidance.**

The NRC Enforcement Policy and NRC Enforcement Manual acknowledge that some violations of minor safety, safeguards, environmental, and regulatory concern are below the level of significance of Severity Level (SL) 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. However, the licensee must take corrective action to resolve these minor violations.

0610-07 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.

07.01 Types of Noncompliances

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), an apparent violation (AV), or escalated enforcement action (i.e., a SL-I, II, or III violation).

Note that if an issue is described in an inspection report in sufficient detail to conclude that a noncompliance has occurred, then that issue must be dispositioned as a violation, an apparent violation, an NCV (for violations), or a Notice of Deviation. To simply document a noncompliance as a “weakness,” “licensee failure,” “observed discrepancy,” or similar characterization without dispositioning it, is inappropriate. If a violation has not occurred, to avoid any confusion, it may be appropriate in certain situations to include a statement such as, “This issue does not constitute a violation of NRC requirements.” If it cannot be determined if a noncompliance exists due to insufficient information from either the licensee or NRC, it may be treated as a URI.

- a. **Minor Violations.** In accordance with the Enforcement Policy, minor violations are those that are less significant than a SL IV violation. Minor violations do not warrant enforcement action and are not normally documented in inspection reports. However, minor violations must be corrected. See Section 0610-15 for detailed discussion when documenting minor violations.
- b. **Non-Cited Violations.** The criteria for dispositioning a violation as an NCV is laid out in Section 2.3.2 of the NRC Enforcement Policy. See Section 0610-14 for detailed discussion when documenting NCVs.
- c. **Non-Escalated Enforcement Actions.** Under its traditional enforcement process, the NRC assesses significance by assigning a severity level to all violations by those subject to the NRC’s enforcement authority. SL IV violations are those that are less serious, but are of more than minor concern, that resulted in no or relatively inappreciable potential safety or security consequences (e.g., violations that created the potential of more than minor safety or security consequences). For SL-IV violations, the NRC will generally issue the inspection report with a “non-escalated” enforcement action. The cover letter and the Notice of Violation should follow the appropriate NRC Enforcement Manual guidance. See Section 0610-08 for detailed discussion for documenting cited violations.

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. For specific guidance on documenting deviations and nonconformances, see NRC Enforcement Manual, Part I, Sections 4.4 and 4.5, respectively.

- d. **Potential Escalated Enforcement Actions (EAs).** When an issue is being considered for escalated EA, the inspection report should refer to the potential violation 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 response.

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 factual 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, because 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.

07.02 Supporting Details and Discussions of Safety or Safeguards Significance

The discussion of violations must be sufficiently detailed to substantiate any NRC safety, safeguards, and regulatory concerns and to support any EA the NRC may choose to issue. The degree of detail necessary to support an EA is a function of the significance and complexity of the violation. The following attributes should be considered when documenting the safety significance in the inspection report: (1) what requirement was violated; (2) how the violation occurred; (3) when the violation occurred and how long it existed; (4) who identified it and when; (5) any actual or potential safety consequence; (6) the root cause (if identified); (7) whether the violation appears isolated or programmatic; (8) what corrective actions have been taken or planned; and (9) who was involved with the violation (i.e., management, operators, technicians)?

Although supporting details clearly assist in determining the safety or safeguards significance of violations, inspectors should be cautious in making direct statements regarding safety or safeguards significance in the inspection report details. Violation SLs, as described in the NRC Enforcement Policy, are based on the degree of safety or safeguards significance involved. In assessing the significance of a violation, 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 violation as being "of low safety or safeguards significance" (the meaning of which could be interpreted as implying that the violation 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 violation 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.

07.03 Violations 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 factual 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 techniques." Do not use the following: "The technician deliberately failed to take quality assurance 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.

0610-08 DOCUMENTING VIOLATIONS

The following table should be used to document traditional enforcement violations, including Severity Level I through IV NOVs, Severity Level IV NCVs, and apparent violations as described in the NRC Enforcement Policy. Note: the table for licensee-identified NCVs is covered in Section 0610.14, "Licensee-Identified Violations."

Table 2: Traditional Enforcement Violation

| | |
|---|----------------|
| [Violation Title] | Report Section |
| Severity Level [X] NCV/NOV [Tracking Number] Open/Closed EA-YY-XXX | [IP Number] |
| [08.01 – Introduction] | |
| <u>Description:</u> [08.02 – Description] Corrective Actions: [08.02a – Corrective Actions] Corrective Action References: [08.02b – Corrective Action References] | |
| <u>Analysis:</u> [08.03 – Analysis] | |
| <u>Enforcement:</u> Severity: [08.04a – Severity Level] Violation: [08.04b – Violation] Enforcement Action: [08.04c-08.04f – Enforcement Action] | |
| [08.05 – Unresolved Item Closure] | |

08.01 Introduction

Provide the title, report section number, severity level (use AV if an apparent violation), IP number, tracking number, status (open or closed) and EA number as appropriate.

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

credit (self-revealing, NRC-identified, or licensee-identified as described in the NRC Enforcement Policy). Note that this is not appropriate for AVs.

08.02 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.

- a. Short and (if applicable) long-term corrective actions taken to restore compliance or ensure adequate safety. If the planned corrective action is still being evaluated, **the inspector should include** a sentence stating why continued noncompliance does not present an immediate safety or security concern.
- b. A reference to any licensee's corrective action document number(s).

08.03 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 as applicable:

- a. Examples in NRC Enforcement Policy Section 6.0, "Violation Examples," aligning with SL-I through SL-IV violations, if applicable; and,
- b. Actual and potential safety or security significance, including a discussion of the safety margin and duration of the violation, as well as the regulatory consequences.

08.04 Enforcement

Violations 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. Logic used to determine the SL of the violation including a specific reference to the NRC Enforcement Policy examples as applicable. If an NOV is being used to disposition a violation normally dispositioned as an NCV, additionally describe the circumstances in accordance with Section 2.3.2 of the NRC Enforcement Policy. Because the SL of an AV has not yet been determined, the logic should describe why the violation is being considered for escalated enforcement.

- b. 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.
- c. When the violation occurred and how long it existed.
- d. Specific enforcement actions, including documenting any enforcement discretion granted in accordance with an existing Enforcement Guidance Memorandum, should be documented.
- e. Tracking number and title resulting from the violation (e.g., NCV, NOV, or AV [Tracking Number], Title).
- f. A statement similar to one of the following:
 - 1. For NCVs: “This violation is being treated as an NCV, consistent with Section 2.3.2 of the NRC Enforcement Policy.”
 - 2. For NOVs: “This violation is being cited because [reason], consistent with Section 2.3.2 of the Enforcement Policy.”
- g. If ambiguity in the licensing basis, design basis, or regulatory requirements, the inspector should discuss the possibility of using the VLSSIR process to address the issue. See Section 15.03.

08.05 Unresolved Item Closure

If the violation results in a URI closure, include a reference to URI [Docket Number(s)]/[Report Number]-[Unique Sequential Integer] being closed. (e.g., “This closes URI 05001234/202x001-01.”).

0610-09 UNRESOLVED ITEMS (URI)

09.01 Opening

An inspector should open a URI when an observation is identified but more information is required to determine if the observation is a noncompliance. There should be a reasonable expectation that a violation may exist in order to document a URI.

A URI cannot be used to determine the significance of a violation (except when more information is needed to determine if a violation is minor or more than minor), to track completion of licensee’s actions associated with a violation or an inspection question, or to determine if enforcement discretion should be granted for a violation. The action of documenting URIs is a commitment of future resources by both the NRC and the licensee.

The URI should be documented using the format shown in the table below.

Table 3: Open Unresolved Item

| Unresolved Item (Open) | [URI Title and Tracking Number] | [IP Number] |
|---|---------------------------------|----------------|
| <u>Description:</u> [09.01a – Description] | | |
| Planned Closure Actions: [09.01b – Planned Closure Actions] | | |
| Licensee Actions: [09.01c – Licensee Actions] | | |
| Corrective Action References: [09.01d – Corrective Action References] | | |

- a. The description section should describe the issue with sufficient detail to allow another inspector to complete the inspection and document the effort. The description should clearly state that a URI was identified and indicate what additional information is needed to make the enforcement determination.
- b. The planned closure action section should identify the specific licensee or NRC actions needed to determine whether the issue of concern is a violation or if a violation is minor or more than minor.
- c. The licensee action section should describe any corrective actions taken to eliminate any perceived immediate safety or security concerns.
- d. The corrective action reference section should identify the licensee's corrective action records. The licensee is not required to place an URI in their corrective action program, but if the licensee chooses to add the URI to its corrective action program, then reference the entry accordingly.

URIs should be documented in the inspection report cover letter, since more information is needed from the licensee to resolve the issue. URIs appear under the List of Additional Tracking Items section of the report. URIs should be opened in the section for the inspection procedure in which they were found.

09.02 Follow-up and Closure

The level of detail devoted to closing URIs depends on the nature and significance of the additional information identified. Documentation of the closure of a URI 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 noncompliance has occurred. Sufficient detail must be provided to justify closing the URI. If resolution to a URI was based on discussions between inspector(s) and NMSS technical staff, concisely document the details of these discussions as the basis for the regulatory decision.

After the information needed to close a URI is obtained, document the closure as follows:

For a URI being closed to no violation, document the closure of the URI under the inspection procedure used to review and close the URI. The closed URI should be listed under the Additional Tracking Items section of the report and be documented in the Inspection Results.

For a URI being closed to a noncompliance, document the closure of the URI and the opening of the resultant noncompliance under the inspection procedure used to review and close the URI. The closed URI should be listed under the Additional Tracking Items section of the report and the resultant noncompliance should be listed under the List of Violations section of the report and be documented in the Inspection Results. Note: Minor violations should not be listed under the List of Violations section of the report.

0610-10 DISCUSSED OPEN ITEMS

Use the following table to document open items being discussed.

Table 4: Discussed Item

| [10a – Item Type] (Discussed) | [10b – Title and Tracking Number] | [IP Number] |
|---------------------------------------|-----------------------------------|-------------|
| <u>Discussion:</u> [10c – Discussion] | | |

Open Items such as URIs, AVs, and NOV's requiring a response were assigned an open tracking status in a previously issued inspection report. Document discussed open items in the results section of the report under the inspection procedure associated with the sample or inspection activity that resulted in the opening of the item.

- a. Item Type. Describe the item type (e.g., “Unresolved Item”).
- b. Title and Tracking. Enter the previously used title and tracking number assigned when the item was opened in a prior report.
- c. Discussion. Capture follow-up actions, pertinent facts gathered, and observations which may support a future disposition of the item.

0610-11 CLOSURE OF LICENSEE EVENT REPORTS

Licensees may be required to submit written reports to the NRC for certain previously reported event notifications in accordance with NRC requirements. Inspectors should review these written event reports and document their review and closure, including revisions to written event reports, under the applicable inspection procedure.

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

- a. No Violations. No NRC-Identified or Licensee-Identified Violations, and no Self-revealing Violations. Include a statement similar to: "The Written Event Report was reviewed. No violations of NRC requirements were identified."
- b. Minor Violations. Document as specified in Section 0610-15, "Other Inspection Issues."
- c. Licensee-identified Violations. The safety significance and enforcement should be discussed per Section 0610-14, "Licensee-Identified Violations."
- d. NRC-Identified or Self-revealing Violations. NRC-Identified or Identified Through an Event Violations should use Section 0610-07, "Documenting Noncompliances," if not previously documented.

0610-12 CLOSURE OF CITED VIOLATIONS

After receipt of the licensee's response to an NOV and completion of any necessary inspections, document the closure of cited violations under the inspection procedure used to review and close the NOV. 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 sufficient detail to justify closing the violation. The closure basis should always show compliance was restored and should show the identified causes for significant violations were addressed.

0610-13 VIOLATIONS WARRANTING ENFORCEMENT DISCRETION

Bring violations that may warrant enforcement discretion to the attention of the applicable Enforcement Coordinator. Default to any overriding directions found in the Enforcement Policy, Enforcement Guidance Memorandum, and the Enforcement Manual. Unless otherwise directed, document violations receiving enforcement discretion in the results section of the report under the applicable inspection procedure. Use the following table to document violations receiving enforcement discretion.

Table 5: Enforcement Discretion

| Enforcement Discretion | [13.01 – Title and Enforcement Action Number] | [IP Number] |
|--|---|-------------|
| <u>Description:</u> [13.02a – Description] Corrective Actions: [13.02b – Corrective Actions] Corrective Action References: [13.02c – Corrective Action References] | | |
| <u>Enforcement:</u> Significance/Severity: [13.03a – Severity Level] Violation: [13.03b – Violation] | | |

Basis for Discretion: [13.03c – Discretion]

[13.04 – Unresolved Item Closure]

13.01 Enforcement Action Title and Number

Identify the Enforcement Action Number and provide a title with a reference to any applicable Enforcement Guidance Memorandum.

13.02 Description

- a. Provide a description of the enforcement action.
- b. List the corrective actions taken or will be taken.
- c. Provide the references for corrective actions such as ADAMS accession number, if any.

13.03 Enforcement Details

- a. Provide the Severity Level of the enforcement action.
- b. Succinctly state the violation.
- c. Provide a basis for the enforcement discretion, and include the following, applicable:

“The NRC exercised enforcement discretion in accordance with Section [#.#] of the Enforcement Policy because [reason].”

Note: Violations that result in enforcement discretion must be assigned an EA number, which can be obtained through the Enforcement Coordinator. The cover letter must contain the required language for exercising enforcement discretion.

13.04 Unresolved Item Closure

If the granting of enforcement discretion results in a URI closure, include a reference to URI [Docket Number(s)]/[Report Number]-[Unique Sequential Integer] being closed. (e.g., “This closes URI 05001234/202x001-01.”).

0610-14 LICENSEE-IDENTIFIED VIOLATIONS

NRC policy requires that all identified violations be dispositioned in accordance with the NRC Enforcement Policy, regardless of who identified them. Particular attention should be given to screening all documented violations captured in docketed communications such as those associated with regulatory reporting requirements and voluntary reports submitted at the licensee's discretion.

14.01 Licensee-identified Violations

Licensee-identified violations, which meet the requirements for an NCV in accordance with the NRC Enforcement Policy, Section 2.3.2 should receive minimal documentation, using Table 6 with abbreviated write-ups, as discussed below.

Table 6: Licensee-Identified NCV

| Licensee Identified NCV | |
|--|----------------|
| Title | Report Section |
| Severity Level IV NCV [Tracking Number] Closed | [IP Number] |
| [14.01a - Introduction] | |
| <u>Description:</u> [14.01b – Description] Corrective Action References: [14.01c - Corrective Action References] | |
| <u>Enforcement:</u> Severity: [14.01d – Basis for Severity Level Determination] Enforcement Action: This violation is being treated as a non-cited violation, consistent with Section 2.3.2 of the Enforcement Policy. [14.01e – Unresolved Item Closure] | |

For licensee-identified NCVs, document the following:

- a. Introduction. Insert a sentence stating that a violation of very low safety significance was identified by the licensee and has been entered into the licensee’s corrective action program (if applicable), and is being treated as a non-cited violation, consistent with Section 2.3.2 of the Enforcement Policy.
- b. Description. Briefly describe (a few sentences) what requirement was violated and how it was violated (this requires a “contrary to” statement consistent with the guidance in the Enforcement Manual).
- c. Corrective Action References. Provide a reference to the licensee’s corrective action document number.
- d. Severity. Briefly describe the SL-IV categorization in accordance with the NRC Enforcement Policy examples.

- e. Unresolved Item Closure. If the violation results in a URI closure, include a reference to URI [Docket Number(s)]/[Report Number]-[Unique Sequential Integer] being closed. (e.g., "This closes URI 05001234/202x001-01.").

14.02 NRC Review of Licensee's Self-Assessment or Corrective Action Program

Under certain circumstances, violations identified during an NRC review of the licensee's self-assessment or corrective action programs can be classified as an NCV which does not require documentation. This is generally justified when the licensee previously identified a violation (or violations) via a self-assessment or corrective action program review. The inspector is not expected to cite these violations nor report the details of those violations in the inspection report. Instead, the NRC report should assess the adequacy of the licensee's extent of condition report effort, including a clear reference to the name, dates, and general subject matter of the self-assessment or corrective action program initiative.

NOTE: This expectation only applies to SL-IV and non-willful violations. All violations that could be categorized at SL-III or above must be documented in the inspection report and given appropriate follow-up.

14.03 All Other Licensees and Non-licensees

As noted in Section 2.3.2.b of the Enforcement Policy, some violations identified at licensees without an NRC-credited corrective action program may be eligible for NCVs. In these situations, use Table 6 above to document these NCVs.

0610-15 OTHER INSPECTION ISSUES

Minor violations and observations are not routinely documented in inspection reports. However, observations may be documented when specifically required by an inspection procedure or temporary instruction. In addition, potential issues involving lack of clarity in the licensing bases may need to be resolved.

15.01 Minor Violations

Minor violations should only be documented when it becomes necessary to capture a required inspection activity or conclusion for the record such as closing out a written event report or URI. 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 (see the NRC Enforcement Manual Section 2.1.1 for more information). Minor violations should not be included in the List of Violations section or Additional Tracking Items section of the report. Document minor violations in the results section of the report under the applicable inspection procedure, when necessary. For minor violations, document using the following table:

Table 7: Minor Violation

| Minor Violation | Title | [IP Number] |
|--|-------|-------------|
| Minor Violation: [15.01a – Minor Issue Description] Screening: [15.01b – Minor/More than Minor Screening Text] Enforcement: [15.01c – Enforcement] [15.01d – Unresolved Item Closure] | | |

- a. Minor Issue Description. Briefly describe the minor violation.
- b. Minor/More than Minor Screening. State the reason why the violation is minor in accordance with the NRC Enforcement Policy as applicable.
- c. Enforcement. 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.”
- d. Unresolved Item Closure. If the minor violation results in a URI closure, include a reference to URI [Docket Number(s)]/[Report Number]-[Unique Sequential Integer] being closed. (e.g., “This closes URI 05001234/202x001-01.”).

15.02 Observations/Assessments

When allowed by the program-specific IP, document observations and assessments in the results section of the report under the applicable inspectable area. Use the following table to document observations:

Table 8: Observation

| | |
|----------------------------------|-------------|
| Observation: [Observation Title] | [IP Number] |
| [Observation Description] | |

Document assessments using the following table. For example, document the corrective action program and other supplemental assessments (e.g., conclusions regarding holding open or closing a cited violation) or infrequent abnormal assessments in the results section of the report.

Table 9: Assessment

| Assessment | [IP Number] |
|--------------------------|-------------|
| [Assessment Description] | |

15.03 Documenting Issues Involving VLSSIR Process

VLSSIR is a process used to discontinue inspection, screening, and evaluation of an issue involving ambiguity in the licensing basis, design basis, or applicability of regulatory requirements or licensee self-imposed standards in which: (1) the resolution of the issue would require considerable staff effort; and (2) the agency has chosen to not expend further effort to resolve the question because the issue would be no greater than Green under the ROP, or SL-IV under the traditional enforcement process, if resolved. VLSSIR is not intended to be used to disposition an issue of concern in which the NRC and licensee simply do not agree, absent some level of ambiguity in NRC's view of the issue. It is important to listen to and consider licensee perspectives, and VLSSIR consideration is not intended to undermine that. See IMC 0610, Appendix G, for guidance on whether to use VLSSIR.

Table 10: Very Low Safety Significance Issue Resolution Process

| Very Low Safety Significance Issue Resolution Process: [15.03a - Title] | [IP and report section] |
|--|-------------------------|
| <p>"This issue involves ambiguity in the licensing basis, design basis, or applicability of regulatory requirements, and inspection effort is being discontinued in accordance with the Very Low Safety Significance Issue Resolution (VLSSIR) process. No further evaluation is required."</p> | |
| <p>Description: [15.03b – Description]</p> <p>Licensing Basis, Design Basis, Regulatory Requirement, or Standard: [15.03c - Licensing Basis, Design Basis, Regulatory Requirement, or Standard]</p> <p>Significance: [15.03d - Significance]</p> <p>Technical Assistance Request: [15.03e - Technical Assistance Requests]</p> <p>Corrective Action Reference: [15.03f - Corrective Action References]</p> <p>[15.03g - Unresolved Item Closure]</p> | |

- a. Title. Include a title which describes the very low safety significance issue.
- b. Description. Describe the circumstances associated with the issue.

- c. Licensing Basis, Design Basis, Regulatory Requirement, or Standard. Describe the licensee's supporting basis on why the issue of concern is not in their licensing basis, design basis, or regulatory requirements or self-imposed standards do not apply or are met, and any relevant information on the licensing basis developed during the inspection process.
- d. Significance. Describe the logic used to determine that the issue of concern would not have potential to be more than Severity Level IV if processed via the Enforcement Policy as a violation, for the purpose of the VLSSIR process. Describe the screening criteria used to assess the issue of concern. For example: For the purpose of the VLSSIR process, the inspectors screened the issue of concern through IMC 0610, Appendix G and determined the issue of concern would likely be no more than a Severity Level IV violation had a performance deficiency been identified.
- e. Technical Assistance Requests. If the issue of concern was processed through NRR's COM-106, "Technical Assistance Request (TAR) Process," briefly summarize how the results of that process led to the issue being documented in accordance with the VLSSIR process.
- f. If the licensee implemented corrective actions for the issue of concern, provide a summary of the corrective actions. Include here, or in the documents reviewed section, a list of the corrective action documents.
- g. If the issuance of the VLSSIR analyses results in the closure of an Unresolved Item, provide basic information about the URI, including tracking number. Otherwise, this line item can be deleted from the table.

Additional details about how to document a VLSSIR analyses are provided in IMC 0610, Appendix G, "Screening and Documentation of Very Low Safety Significance Issue Resolution Process."

15.04 Documenting Decommissioning Inspections That Include Confirmatory Surveys

In general, decommissioning inspections that include confirmatory surveys should be documented in narrative inspection reports. These types of inspections are used, in part, to gather data about the acceptability of the licensees' final status surveys. These inspections should be implemented in accordance with a written survey plan. The results of the survey should be documented in narrative reports since the survey data should be conveyed to the licensee and members of the public. Many times, the results of the confirmatory survey are used to justify a licensing action such as release of a building or termination of a license.

There may be instances in which some decommissioning inspections with confirmatory surveys could be documented on NRC Forms 591M, "Materials Inspection Report," and 592M, "Materials Inspection Record." Examples include sites with sealed sources and short-lived radionuclides. However, it is recommended that these forms should be made publicly available if the inspector collects survey data as part of the inspection.

16.01 Treatment of Third-Party Reviews

Detailed NRC reviews of third-party program reviews 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. Third-party findings, recommendations, and associated licensee corrective actions are not normally tracked by the NRC. If a finding is of such safety significance that it warrants tracking, it should be independently evaluated, inspected, documented, and tracked as a URI.

Third party findings, recommendations, corrective actions, and operating experience which are placed in the licensee's corrective action program, can be considered appropriate for inspection. When documenting review of these issues, inspection reports should not refer to any proprietary reports or documents, reference numbers, or identify specific sites when referencing operating experience. If it is necessary to document the review of a third-party document, then state the reference number of the reviewed item and provide general words for the title, if applicable.

If documenting review of a third-party evaluation, include a short statement that the review was completed. Do not include a recounting or listing of the third-party findings. Discuss the specifics of any significant differences between NRC and third-party perceptions with regional management.

16.02 NRC CUI in Non-Security Related Reports

The NRC CUI program (formerly the NRC Sensitive Unclassified Information Security [SUNSI] program) implements 32 CFR Part 2002, "Controlled Unclassified Information," (CUI rule) in order to protect NRC sensitive but unclassified information from unauthorized access, use, disclosure, disruption, modification, and destruction.

CUI 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 ADAMS as "Non-Publicly Available." The documents containing CUI must be marked in accordance with Management Directive 12.6, "NRC Controlled Unclassified Information (CUI) Program."

16.03 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 violations 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.

16.04 Plain Language

Inspectors will use plain language in reports. For additional guidance, inspectors should refer to NUREG-1379, "NRC Editorial Style Guide."

16.05 Graphics/Visual Aids

Use graphics (drawings, diagrams, photographs, or photocopies) if their inclusion will simplify describing a complex condition that would otherwise require substantially more text. Photographs of site areas or equipment or photocopies of technical or vendor manual pages must be handled in accordance with IMC 0620, "Inspection Documents and Records." When including graphics, the following should be considered:

- a. Format as a jpeg and adjust size (height, width, and resolution) so as not to significantly increase overall file size.
- b. Locate on less than half a page or put in an attachment.
- c. Center on page and left/right indented from the text.
- d. Include a unique identifier (Figure/Diagram/Photograph X) with a descriptive title (e.g., Breaker Trip Latch Alignment).

16.06 Caution Regarding the Creation of Staff Positions

The statement, "No violations of more than minor significance were identified," does not create a staff position. This language acknowledges the possibility that noncompliances existed but were not documented in the report (e.g., because the inspectors did not discover them or because any identified noncompliances were found to be minor).

However, if the inspection report states, "The licensee complied with [Requirement X]," as related to an issue of concern, that language would constitute a staff position. If the NRC subsequently determines there is a noncompliance with "Requirement X" related to the issue of concern, then the NRC may need to consider that discovery a change in staff position subject to the backfitting provision.

As such, the staff must exercise caution and avoid creating staff positions by not documenting statements about the adequacy of the licensing basis or statements about licensee compliance (some exceptions may apply depending on the type of inspection).

16.07 Allegations

There are certain instances in which an inspection includes follow-up of allegations. Management Directive (MD) 8.8, "Management of Allegations," addresses the manner in which an inspection report may be used to document allegation follow up activities. If an allegation concern closure is documented in an inspection report, the report is to be written in a manner that will address the relevant issues of the concern without acknowledging that the issues were raised in the context of an allegation. For example, if an allegation results in a violation that's going to be documented in an inspection report do not state that the issue came from an allegation. In addition, minor violations revealed during an allegation follow-up should not be included in the inspection report as a documented minor violation.

16.08 Trip Reports

The NRC occasionally conducts observational site visits and other types of site visits to observe activities in progress or to observe the material condition of the sites. These site visits may include observation of activities at sites controlled by Federal partners (U.S. Department of Energy or U.S. Environmental Protection Agency), generally licensed sites, or sites managed by non-licensees. These site visits should be documented to ensure that the details about the site visit and the NRC's observations are captured and placed into ADAMS. When conducting site visits, the inspector should document the visit using Appendices B (memorandum to docket file) and C (trip report template) provided in IP 89060, Department of Energy Observational Site Visits. Additional details about documenting trip reports are provided in IMC 0610, Exhibit 1, "Inspection Report Templates."

16.09 Reactive Inspections

The NRC inspector may occasionally conduct reactive inspections based on events such as radioactive material incidents, emergency incidents, over-exposures, and transportation accidents. The format for these inspection reports may differ from the standardized templates, in part, since these inspections usually consist of nonstandard narrative reports. These reactive inspections include:

- (a) IMC 1301, Response to Radioactive Material Incidents That Do Not Require Activation of the NRC Incident Response Plan
- (b) IMC 1302, Follow-up Actions and Action Levels for Radiation Exposures Associated with Materials Incidents Involving Members of the Public
- (c) IMC 1330, Response to Transportation Accidents Involving Radioactive Materials
- (d) IP 87103, Inspection of Materials Licensees Involved in an Incident or Bankruptcy Filing

The inspector should develop the narrative report using the guidance provided in the above documents and as instructed by NRC supervision.

16.10 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. Management Directive (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 should not be included in the inspection report as a documented 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 publicly available cover letter. If the severity level of

the violation is an NCV 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 publicly-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.

16.11 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).

List of Attachments:

Attachment 1: Revision History
Attachment 2: Nuclear Materials Inspection Documentation

List of Exhibits:

Exhibit 1: Inspection Report Templates
Exhibit 2: Standard NMSS Inspection Report Outline
Exhibit 3: Inspection Report Documentation Matrix

List of Appendices:

Appendix A: Acronyms
Appendix G: VLSSIR

END

Appendix A: List Of Acronyms and Abbreviations Used in this Inspection Manual Chapter

| | |
|--------|---|
| ADAMS | Agencywide Documents Access and Management System |
| AV | Apparent Violation |
| CFR | Code of Federal Regulations |
| CoC | Certificate of Compliance |
| CUI | Controlled Unclassified Information |
| EA | Enforcement Action |
| IMC | Inspection Manual Chapter |
| IP | Inspection Procedure |
| MC&A | Material Control and Accountability |
| MD | Management Directive |
| NCV | Non-Cited Violation |
| NMED | Nuclear Materials Event Database |
| NMSS | Office of Nuclear Material Safety and Safeguards |
| NMU | Nuclear Materials Users |
| NOV | Notice of Violation |
| NRC | Nuclear Regulatory Commission |
| OE | Office of Enforcement |
| OI | Office of Investigations |
| RPS | Reactor Program System |
| SGI | Safeguards Information |
| SL | Severity Level |
| SUNSI | Sensitive Unclassified Non-Safeguards Information |
| URI | Unresolved Item |
| VLSSIR | Very Low Safety Significance Issue Resolution |
| WBL | Web-Based Licensing |

END

Attachment 1: Revision History for IMC 0610

| Commitment Tracking Number | Accession Number Issue Date Change Notice | Description of Change | Description of Training Required and Completion Date | Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional, Non-Public Information) |
|----------------------------|---|--|---|--|
| N/A | ML041460068 05/18/04 CN 04-014 | IMC 0610 was revised to be a stand-alone document for guidance on preparing NMSS inspection reports. The previous IMC 0610 included guidance for both reactors and NMSS inspection reports. NRR prepared a revised IMC 0612 that includes only reactor inspections | No special training requirements | |
| N/A | ML25149A214 06/27/25 CN 25-023 | IMC 0610 was significantly revised for consistency with IMCs 0611 and 0616. The IMC 0610 includes standardized inspection report outlines and templates for documentation of findings of significance and noncompliances. | Informal inspector training to be conducted in July-August 2025 | ML25149A221 |
| N/A | ML25324A359 01/29/26 CN 26-003 | Clarified documentation of inspection dates and exit meetings. Added Documents Reviewed table and VLSSIR table. | No special training requirements | ML25324A357 |