

CHAPTER 3

NON-CITED VIOLATIONS AND NON-ESCALATED ACTIONS

Chapter 3 provides information regarding:

- ▶ the preparation and processing of non-cited violations (NCVs) and various non-escalated enforcement actions
- ▶ the timeliness goals (included in the general discussion for each sanction)

Contents:

3.1 Non-Cited Violations (NCVs)	3-1
3.2 Non-Escalated Notice of Violation (NOV)	3-14
3.3 Notice of Deviation (NOD)	3-22
3.4 Notice of Nonconformance (NON)	3-24
3.5 Confirmatory Action Letter (CAL)	3-25

3.1 Non-Cited Violations (NCVs)

- a. **Non-cited Violation** (NCV) is the term used to describe a method for dispositioning:
 - 1. A Severity Level IV violation; and
 - 2. A violation associated with an inspection finding that the [Reactor Oversight Process's \(ROP\) Significance Determination Process \(SDP\)](#) evaluates as having very low safety significance (i.e., green).
- b. NCVs:
 - 1. Are normally public records of the violation;
 - 2. Are normally issued by the region without prior OE approval;
 - 3. Are documented as violations in inspection reports (or inspection records for some materials licensees);
 - 4. Do not require a written response from licensees; and

5. May be sent to the licensee as an attachment to an inspection report or, in the case where inspection records are used to document the noncompliance, as an attachment to the transmittal letter.

3.1.1 NCVs for Power Reactor Licensees

- a. The NRC closes NCVs when they are entered into the licensee's Corrective Action Program (CAP) and Plant Issues Matrix (PIM).
 1. Licensee may not have completed their corrective actions, identified apparent causes, or developed actions to prevent recurrence when the NRC closes the action.

☛ Violations at a decommissioned facility that continues to have a 10 CFR Part 50 CAP as well as 10 CFR Part 72 violations that occur at a facility with a 10 CFR Part 50 CAP, should be evaluated under this NCV policy.
 2. The NRC does not require a written response from licensees describing the actions taken to restore compliance and prevent recurrence of NCVs.
 - (a) The NRC inspection program provides an assessment of the effectiveness of licensees' CAPs and PIMs.
 - (b) This enforcement approach places greater NRC reliance on licensees' CAPs.
- b. Licensees are expected to take actions commensurate with the established priorities and processes of their CAP.
- c. Unlike other NCVs, for NCVs involving significant conditions adverse to quality (SCAQ), licensees must:
 1. Determine the cause of the condition (i.e., the root cause); and
 2. Place the corrective actions that will be taken to preclude repetition in their CAP.

3.1.2 Circumstances Resulting in Consideration of an NOV (vs an NCV) for Power Reactor Licensees

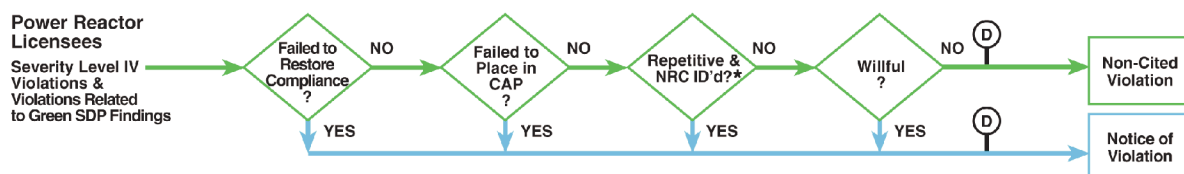


Figure 3-1: This flow chart is a graphic representation of the circumstances the staff should consider when deciding whether a violation for a power reactor licensee should be dispositioned as an NCV or in an NOV.

- a. Any one of the following circumstances will result in consideration of an NOV which requires a written formal response from a licensee, instead of an NCV:

1. **The licensee failed to restore compliance within a reasonable time after a violation was identified.**

- (a) The purpose of this criterion, which applies only to violations that are continuing at the time of discovery (see further discussion below), is to emphasize the need to:

- (1) Take appropriate action to restore compliance in a reasonable period of time once a licensee becomes aware of the violation; and
- (2) Take compensatory measures until compliance is restored when compliance cannot be reasonably restored within a reasonable period of time.

- (b) For purposes of this criterion, **restoring compliance**:

- (1) Includes those actions taken to stop an ongoing violation from continuing; and
- (2) Does **not** include those actions necessary to address root causes and prevent recurrence.

☛ Absent an exemption, license amendment, or Notice of Enforcement Discretion (NOED), action must be taken to restore compliance. Until compliance can be restored, compensatory measures, as warranted, must be taken. Restoring compliance is important to prevent an ongoing violation.

- (c) Some violations require prompt action to restore compliance while others do not based on whether the underlying requirement is continuous or conditional; therefore, **within a reasonable time** in this criterion refers to the time needed to:

- (1) Stop an ongoing violation from continuing (which should be as soon as possible);
- (2) Take compensatory actions for a continuing violation; or
- (3) Be in a state where the requirement no longer applies if relief is not provided from the NRC and if compensatory action is not allowed by the requirement.

2. **The licensee did not place the violation into a CAP to address recurrence.**

- (a) The purposes of this criterion are to emphasize the need to:

- (1) Consider actions beyond those necessary to restore compliance, including actions necessary to address root causes; and
 - (2) Prevent recurrence.
- ✓ While licensees should develop and place corrective actions to prevent recurrence in their CAP for all NCVs, licensees are required to develop and place corrective actions directed at preventing recurrence in their CAP for NCVs involving SCAQ issues.
- (b) Placing a violation into a CAP to prevent recurrence allows the NRC to close out a violation in an inspection report without detailed information regarding the licensee's corrective actions.
- (1) The licensee is expected to provide the NRC with a file reference indicating that the violation has been placed in its CAP.
 - (2) The file reference indicating that the violation has been placed in a CAP would assist the NRC should it review the violation as part of an NRC inspection of the effectiveness of the licensee's CAP.
- (c) An NOV could be avoided for violations which do not require substantial efforts to prevent recurrence, e.g., an isolated implementation error with more than minor safety significance not reflecting inadequate training, procedures, resources, or oversight, if the CAP includes:
- (1) Corrective actions to restore compliance;
 - (2) An evaluation of the need for additional corrective actions to prevent recurrence;
 - (3) Records that have been maintained for trending so that the licensee has assurance that the matter is, in fact, isolated; and
 - (4) Records so that the NRC can review the case as part of an inspection of the licensee's CAP.
- ✎ When it is determined that a repetitive violation occurred or corrective actions to prevent recurrence were not effective, the NOV or NCV should only use 10 CFR Part 50, Appendix B, Criterion XVI, for issues involving SCAQ. This requires additional documentation explaining the basis, usually citing requirements in the licensee's QA plan or topical report.

- (d) While licensees should develop and place corrective actions to prevent recurrence in their CAP for all NCVs, for NCVs involving SCAQ issues, licensees are required to develop and place corrective actions directed at preventing recurrence in their CAP.

3. The violation is repetitive as a result of inadequate corrective action, and was identified by the NRC.

- (a) The purposes of this criterion are to emphasize the importance of:

- (1) Effective corrective action to prevent recurrence; and
- (2) Licensees identifying recurring issues.

- (b) For NRC-identified violations, reasonable reviews must be performed to ensure that the current violation is not a repetitive issue before concluding that an NCV is appropriate.


- (c) To determine whether a violation is repetitive, the staff should:

- (1) Review the licensee's PIM and Reactor Program System (RPS) because they provide notice to the licensee. These include:

☞ For determining repetitiveness, the fact that the violation has occurred before, is not the only criteria that should be considered. It does not necessarily follow that past corrective action was not reasonable or effective. The question that must be answered is: Did the licensee develop and implement reasonable corrective actions for the previous violation, commensurate with the safety significance, such that at the time the corrective actions were implemented, there was a reasonable expectation that the apparent root cause(s) of the violation would be corrected?

- (A) Docketed information which will have put the licensee on notice that it must take corrective action for a noncompliance or that the licensee is on record as having identified a noncompliance issue that requires corrective action (e.g., a Licensee Event Report (LER)); and
- (B) Licensee CAP records, only to the extent that the inspector or regional staff had previously described the issue in an inspection report or it was described in other docketed information.

- (2) Perform a second review if the first review identifies a previous violation, to determine if:

- (A) Corrective action for the previous violation had sufficient time to take effect and was deemed inadequate; or
 - (B) Adequate corrective action for the previous violation wasn't taken in a time frame commensurate with its safety significance.
- (3) Responses to previous NOV's, inspection reports, or the licensee's CAP should be reviewed. Note: It is acceptable to request background information from the licensee to address this review.
- (a) The fact that a previous procedural violation occurred does not necessarily mean that the current procedural violation is repetitive:
- (1) There must be a sufficient nexus between the current issue and the previous corrective action, e.g., the failure to follow a maintenance procedure would not be considered a repetitive procedural violation based on the existence of a failure to follow a radiation protection procedure that occurred one year ago, because it is not reasonable to expect that corrective action for the radiation protection procedural violation (e.g., procedure revision, enhanced training) would have prevented the maintenance procedural violation.
 - (2) For implementation purposes, the determination of whether or not a violation is repetitive need only be made for those violations identified by the NRC.
 - (3) A licensee-identified, non-willful repetitive violation would be cited only if the ineffectiveness of the licensee's CAP is significant enough to raise it to a Severity Level III violation.
-  The purpose of this criterion is to encourage licensees to identify and correct repetitive issues.
- (d) In determining whether a violation is repetitive, the fact that a violation recurs does not necessarily mean that past corrective action was not reasonable or effective, i.e., the standard for evaluating the past corrective actions is the *reasonableness* of those actions as they pertain to the nature and significance of the originally identified problem.
- (1) An NOV would not result if, despite the violation's recurrence, the NRC finds that the licensee's corrective actions for the previous violation was reasonable at the time.
 - (2) When citing a violation under this criterion, the NRC is expected to be able to address why the licensee's actions were unreasonable and why reasonable corrective action would have prevented the second violation.

- (e) It is not necessary for the original compliance issue to be documented or labeled a violation by the NRC, e.g., an issue can be considered under this exception if a licensee identifies a compliance issue that requires corrective action in a LER.

✓ As long as the corrective actions acceptably address the identified causes and no other significant credible causes exist, and the schedule for and actions necessary for implementation of the corrective actions were appropriate, the licensee's past actions should be considered acceptable and the violation should not be considered repetitive.

- (f) Unlike other NCVs, for repetitive NCVs involving SCAQ, whether the licensee's corrective actions for the previous violation appeared to be reasonable at the time is not applicable.
- (1) For NCVs involving SCAQ, licensees are required to implement corrective actions that prevent recurrence.
- (2) Recurring violations involving SCAQ should be cited as NOV's.
- (g) The NRC's level of concern about a recurring violation is unrelated to whether it can be cited. In the event a recurring violation is identified and the previous violation was not docketed:
- (1) The violation should be dispositioned as an NCV;
- (2) The documentation should note the NRC's concern about its recurrence;
- (3) The documentation should note that an NOV will be issued if the violation recurs.

4. **The violation was willful. Notwithstanding willfulness, an NCV may still be appropriate.**

- (a) The purposes of this criterion are to emphasize the importance of:
- (1) Integrity and candor in carrying out licensed activities, as expressed in the [Enforcement Policy](#); and
- (2) Using this criterion only for those situations where the significance of the willfulness does not justify an increase to Severity Level III.
- (b) Escalated enforcement action would not be considered when:

- (1) The licensee identified the violation and, although not required to be reported, promptly provided the appropriate information concerning the violation to appropriate NRC personnel, such as a resident inspector or regional branch chief (who, in turn, is responsible to provide the information to the appropriate regional staff);
- (2) The violation appears to be the isolated action of an employee without management involvement;
- (3) The violation was not caused by lack of management oversight as evidenced by either a history of isolated willful violations or a lack of adequate audits or supervision of employees; and
- (4) Significant remedial action commensurate with the circumstances was taken by the licensee that demonstrated the seriousness of the violation to other employees and contractors, thereby creating a deterrent effect within the licensee's organization. While removal of the employee from licensed activities is not necessarily required, substantial disciplinary action is expected.

3.1.3 Circumstances Resulting in Consideration of an NOV (vs an NCV) for All Other Licensees

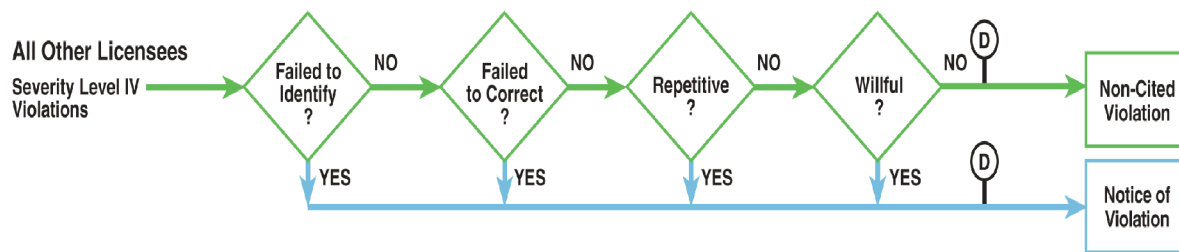


Figure 3-2: This flow chart is a graphic representation of the circumstances the staff should consider when deciding whether a violation should be dispositioned as a NCV or in an NOV for all non-power reactor licensees.

- a. Any one of the following circumstances will result in consideration of an NOV requiring a formal written response from a licensee.

1. **The licensee failed to identify the violation.**

- (a) An NOV is warranted when:

- (1) A licensee identifies a violation as a result of an event;

☞ Credit for identification is warranted for Severity Level IV violations associated with events unless the staff can show credible actions that clearly should have been, and were not, taken by the licensee in identifying event causes.

- (2) The root cause of the event is obvious; and
 - (3) The licensee had prior opportunity to identify the problem but failed to take action that would have prevented the event.
 - (b) Disposition as an NCV may be warranted if the licensee demonstrated initiative in identifying the violation's root cause.
 - (c) Typically, the identifiable event is the result of the underlying violation and not a violation itself.
 - (1) Identification credit should be considered when licensee follow-up of the event demonstrates thoroughness in assessing contributing factors, as well as any obvious, direct cause.


☞ In all non-escalated cases involving events where identification credit is being denied, the Division Director must agree with the denial after consultation with the Regional or NMSS Enforcement Coordinator (as appropriate).
 - (2) The standard for the thoroughness of the licensee's actions is reasonableness based on safety significance (see the additional discussion below).
 - (d) Cases where identification credit is denied should be limited to investigations where corrective actions or root causes default to "easy fixes" and the inspectors can demonstrate that other significant, credible causes existed that were not identified by the licensee.
 - (1) Granting of identification credit should be considered for those cases where licensee efforts are thorough enough to rule out the potential for more subtle contributing factors.
 - (2) There are cases where an event is caused simply by an isolated human error with minimal opportunity for prevention or without contributing causes such as inadequate procedures, labeling errors, lack of resources or supervision, and prior opportunities, and the most obvious cause turns out to be the correct one.
2. **The licensee did not correct or commit to correct the violation within a reasonable time by specific corrective action committed to by the end of the inspection, including immediate corrective action and comprehensive corrective action to prevent recurrence.**

- (a) Unless the inspector, in consultation with his or her management, determines that there were other significant, credible causes that were not reasonably addressed in the corrective actions, the licensee's actions should be considered adequate.
- (b) If the licensee's corrective actions are ongoing and the licensee, after input from the inspector or other NRC staff, agrees that additional actions are necessary and states that additional actions will be taken, the licensee should be given credit for corrective action.
- (c) If the licensee has previously completed its corrective action and, after input from the inspector or other NRC staff, agrees that additional corrective actions are necessary, then credit for corrective action is not appropriate.
- (d) The criteria in the Enforcement Policy requires that "corrective action committed to [by the licensee, must be committed to or completed] by the end of the inspection."
- (1) If a licensee identifies an issue that prompts a reactive inspection, or if a licensee identifies an issue while an inspection is open, the licensee's corrective action may not be fully formulated by the end of an inspection.
- (2) Cases where the licensee is implementing its corrective actions but, because of legitimate circumstances, the corrective actions are not fully formulated by the end of the inspection, can create an artificial constraint for assigning an NCV instead of a cited Severity Level IV violation. Judgement is required in these situations to reasonably accommodate the timing of events.
- (A) Denial of an NCV in favor of a cited Severity Level IV violation should not be based solely on undeveloped corrective actions due to the close proximity to the end of the inspection.
- (B) If necessary, follow-up discussions via phone with licensees should be made prior to completing the inspection report (or inspection records for those inspections that do not require the issuance of an inspection report) to gain the information needed to make decisions regarding corrective action credit for licensee-identified violations.
- ✓ If there is a dispute with the licensee on the reasonableness of its corrective actions, the Division Director must concur on any cited violation.
- ☞ NRC is interested in development of adequate corrective actions which reasonably may require more time after the inspection has been completed.

- (3) If the inspection report has to be issued and there has not been a reasonable time for the licensee to develop its corrective actions (but not longer than 30 days from licensee discovery), a potential violation that otherwise meets the criteria for an NCV may be described in the inspection report as an apparent violation and still be converted to NCV status once the corrective action becomes known.

3. The violation is repetitive as a result of inadequate corrective action.

- (a) The violation could reasonably have been prevented by the licensee's corrective action for a previous violation or a previous licensee finding that occurred:
 - (1) Within the past two years of the current inspection; or
 - (2) The period within the last two inspections, whichever is longer.

 Reviews must be performed to ensure that the current violation is not a repetitive issue before exercising this discretion. The expectation for these reviews would include a review of NRC inspection findings, such as inspection reports or inspection records for previous NCVs and NOV's.

- (b) Use only docketed information when considering previous NRC violations or licensee findings. This information will have put the licensee on notice that it was required to take corrective action for a violation.
 - (c) For determining repetitiveness, the use of licensee records, such as program audit records or inspection records, is appropriate only to the extent that the issue has already been described in previous inspection reports, NRC Form 591s, or other docketed information.
 - (d) If a violation has not been previously identified in a docketed document, it should be dispositioned as an NCV so that if the licensee's corrective action fails again, an NOV would be warranted at that point.
- b. Severity Level IV violations that are dispositioned as NCVs will be described in inspection reports (or inspection records for some materials licensees) and will include a brief description of the corrective action the licensee has either taken or plans to take.

3.1.4 Issuing an NCV When Criteria in Section VI.A of the Enforcement Policy are Met for Issuing an NOV

- a. Notwithstanding that one of the exceptions in Section VI.A of the Enforcement Policy is met, there may be situations where a Severity Level IV violation or a violation associated with a green SDP finding does not warrant citation in an NOV. These cases:

1. Should be discussed during the regular weekly SERP or enforcement panel conference calls;
2. Require the approval of the Regional Administrator and the Director, OE, prior to issuance; and
3. Should clearly state in the cover letter transmitting the NCV, the reason(s) for not citing the issue notwithstanding the fact that it met one of the defined circumstances identified in Section VI.A of the Enforcement Policy.

3.1.5 NCV Coordination and Review

- a. NCVs are normally issued by the region without prior OE approval.
- b. Enforcement Coordinators should be consulted on NCVs, as warranted.
- c. The Regional Division Director should concur on an NCV prior to issuance if:
 1. The Branch Chief and Enforcement Coordinator disagree on the disposition of the issue;
 2. The staff is informed by the licensee during the exit interview that it disagrees that the issue is a violation or that the violation warrants Severity Level IV categorization or that the inspection finding warrants green SDP characterization; or
 3. The staff wants to exercise discretion and refrain from issuing an NOV beyond the Enforcement Policy.
- d. The region must schedule a SERP or enforcement panel if it proposes not to issue an NOV when one or more criteria in Section VI.A.1 of the Enforcement Policy are met for issuing an NOV.

✓ The approval of the Director, OE, with consultation with the DEDO as warranted, is required for dispositioning willful violations as NCVs.

3.1.6 NCV Signature Authority

NCVs should be signed and issued according to the following guidelines:

- a. The Director, NRR, and the Director, NSIR, may redelegate to program office Branch Chiefs and above, the authority to sign and issue NCVs.
- b. The Director, NMSS, may redelegate to program office Section Chiefs and above, the authority to sign and issue NCVs. The Director, NMSS, may redelegate to qualified inspectors, the authority to sign and issue NRC Form 591.

3.1.7 Licensee Denial of NCV

- a. Licensees are not required to provide written responses to NCVs; however, they may respond in order to dispute such violations.
- b. When the region receives a licensee response that disputes an NCV, and the action did not have an EA number when it was issued, the region should:
 1. Request an EA number from OE; and
 2. Provide OE with sufficient information to document the issue on a Strategy Form.
- c. Depending on whether the licensee (a) denies the violation, or (b) disagrees with the violation, the staff should use the following guidance:
 1. If the licensee **disagrees that an NCV is a violation**, normally the region should:
 - (a) Acknowledge receipt of the denial within 30 days from receipt of the licensee's denial if a response cannot be provided in that time period;
 - (b) Send the acknowledgment letter and the final NRC response to the same person and address as the NCV;
 - (c) Submit its prepared response to the Deputy Director, OE, and OEMAIL, within 80 days of receipt of the licensee's denial (or 20 days if the region plans on responding in 30 days). The region's prepared response should include all documents necessary to support the region's position. OE will review the region's response and should provide comments to the region within 10 days of the date of the region's submittal; and
 - (d) Provide a response to the licensee that addresses the licensee's points of contention within 90 days of receipt of the licensee's denial.
 2. If the licensee **disagrees with the significance**, the region should:
 1. Follow the process described above when the licensee's denial addresses specific NRC guidance (i.e., Manual, Enforcement Policy, or NRC Inspection Manual Chapter (MC) 0612) that would support the violation being categorized as minor.

✓ Any errors identified in the NCV must be addressed in the region's response. If a licensee denies a violation based on incorrect information or additional information not previously disclosed, the region should prepare a more detailed response as appropriate.

2. Send an acknowledgment letter when the licensee disagrees with the significance but does not provide justification for its position. The letter should state that the NRC reviewed the licensee's response and has concluded that the licensee did not provide an adequate basis to reclassify the violation; therefore, the NRC maintains that the violation occurred as stated.

✓ Any errors identified in the NCV must be addressed either in a formal response or an acknowledgment letter.
- c. Provide a subject line in the response to the licensee's denial as follows:
 1. If the NRC maintains that the NCV remains valid, the subject line should read, "RESPONSE TO DISPUTED NON-CITED VIOLATION."
 2. If the region concludes that a second, revised NCV should be issued, the subject line should read, "REVISED NON-CITED VIOLATION."
 3. If the region concludes that the violation should be withdrawn, the subject line should read, "WITHDRAWAL OF NON-CITED VIOLATION."

3.2 Non-Escalated Notice of Violation (NOV)

- a. A **Notice of Violation** (NOV) is a formal written citation setting forth one or more violations of a legally binding requirement. Procedures for issuing an NOV are set forth in [10 CFR 2.201](#).
- b. NRC Form 591 may also be used as an NOV for materials licensees under certain circumstances.
- c. The timeliness goal for issuing routine non-escalated NOVs is the same as for issuing clear inspections, i.e.:
 1. 30 calendar days after the inspection has been completed; and
 2. 45 days for integrated reports and major team inspections (see MC 0610 and MC 0612).
- d. NOVs should be considered for Severity Level IV violations and violations associated with green SDP findings when they meet the criteria discussed in the previous section.

3.2.1 Preparing a Non-Escalated NOV Action

- a. The responsible office, i.e., the region, NRR, NMSS, or NSIR, should prepare a non-escalated NOV package, including the following elements as discussed below:

1. Inspection reports should be prepared in accordance with the guidance in MC 0610, MC 0612, MC 87100, and the guidance in this Manual.
2. NOVs should be prepared by using the applicable standard formats in Appendix B and the applicable standard citations in Appendix C.
3. NOVs should be dated the same date as the cover letter transmitting the enforcement action to the licensee.
4. NOVs should include the following elements:
 - (a) A concise, clear statement of the requirement or requirements that were violated, appropriately referenced, paraphrased, or quoted (i.e., the legal citation for the violation) (see the examples of standard citations in Appendix C).
 - (b) A brief statement (usually no more than a few sentences) addressing the circumstances of the violation, including the date(s) of the violation and the facts necessary and sufficient to demonstrate that the requirement was not met ("contrary to" paragraph). To demonstrate noncompliance, the language of the "contrary to" statement should parallel the applicable language of the requirement.
 - (c) Each violation, including a violation with multiple examples, should contain a single "contrary to" statement.
 - (1) As a general rule, multiple examples of the same violation during the period covered by an inspection should be included in one citation.
 - (2) The "contrary to" paragraph should generally state the violation, followed by "...as evidenced by the following examples" and the examples delineated as 1, 2, 3, etc.
 - (3) When the examples of a particular violation are numerous, sufficient examples should be cited to convey the scope of the violation and to provide a basis for assessing the effectiveness of the licensee's corrective actions. Normally three to five examples is adequate.
 - (e) The severity level proposed for the violation (i.e., Severity Level IV) and the applicable supplement of the Enforcement Policy under which the violation is categorized or, alternatively, the significance of the violation associated with a SDP finding (i.e., green SDP finding).
 - (f) If the staff concludes that a response is necessary, the letter should contain the elements to be included in the licensee's response, including:
 - (1) The reason for the violation, or if contested, the basis for disputing the violation;

- (2) The corrective actions that have been taken and the results achieved;
 - (3) The corrective actions that will be taken to avoid further violations; and
 - (4) The date when full compliance will be achieved.
- (g) The staff may conclude that a response is not necessary.
 - (1) The staff may indicate that the licensee is not required to respond because the information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence are already addressed on the docket.
 - (2) This alternative requires the licensee to respond if the description does not accurately describe the licensee's corrective actions.
- b. Cover letters that transmit inspection reports and non-escalated NOVs to licensees should be prepared by the region using the appropriate form in Appendix B.
 - 1. If an inspection report is not issued, as may be the case for certain material licensees, then all references to an inspection report should be deleted.
 - 2. Cover letters should include a Nuclear Materials Events Database (NMED) number, if applicable.
 - 3. NRR and NMSS should use the appropriate form for vendor and approved Quality Assurance cases, respectively.
- c. Cover letters should:
 - 1. Clearly state why a citation is being issued in terms of which criteria in Section VI.A of the Enforcement Policy has been met. The explanation may be expanded, where warranted, to convey the appropriate message to the licensee in terms of those actions that require additional attention;
 - 2. Provide an explanation of why a citation is being issued if, using the guidance in the Enforcement Policy and this Manual, the violation could have been dispositioned as an NCV;
 - 3. Describe the response that is necessary from the licensee (if the region concludes that a response is necessary), including any area that deserves special emphasis; or
 - 4. Include a conclusion that a licensee response is not necessary (when the region concludes that a response is not necessary), including a provision that the licensee must respond if its understanding of the corrective action is different; and

5. Address, if applicable, any apparent violations being considered for escalated enforcement action and the scheduling of a predecisional enforcement conference.

3.2.2 Issuing a Non-Escalated NOV Beyond the Criteria in Section VI.A of the Enforcement Policy

- a. Although it should rarely happen, this section provides guidance for situations when, notwithstanding the outcome of the normal process for dispositioning Severity Level IV violations and violations associated with green SDP findings, the staff chooses to exercise discretion (represented in the flowchart by the letter “D” in a circle) and issue an NOV.
- b. For reactor cases:
 1. The Director, OE, and the EDO must approve the action;
 2. The action requires an EA number; and
 3. OE will coordinate the action with NRR.
- c. For materials cases:
 1. OE must be consulted (by telephone or email is normally sufficient) prior to issuance of the NOV; and
 2. The action requires an EA number.
- d. The cover letter transmitting the NOV must clearly state the reason for issuing the NOV, notwithstanding that it was not one of the defined circumstances identified in Section VI.A of the Enforcement Policy.

3.2.3 Non-Escalated NOV Coordination and Review

- a. Non-escalated NOVs should be coordinated and reviewed according to the following guidelines:
 1. Non-escalated NOVs for materials cases are normally issued by the regions or appropriate program office without prior consultation or review and approval by OE (see the exceptions noted below);
 2. Regional Enforcement Coordinators should be available for consultation on non-escalated NOVs for materials licensees and should concur on non-escalated NOVs involving power reactors;
 3. The Regional Division Director must concur on non-escalated NOVs involving power reactors;

4. The Regional Division Director must concur on non-escalated NOV involving materials licensees if there is a dispute with the licensee on the reasonableness of its corrective actions;
 5. In all Severity Level IV NOV for materials licensees involving events where identification credit is being denied, the Division Director must agree with the denial after consultation with the Regional or NMSS Enforcement Coordinator (as appropriate);
- b. Non-escalated NOV that must be coordinated with OE (by telephone or e-mail) to support issuance of an EA number prior to issuance include:
1. Licensee-disputed violations, violations of 10 CFR 50.59, violations of 10 CFR Part 55, or violations of 10 CFR 50.65 that **can be resolved** via coordination between the involved offices;
 2. Any actions resulting from an Augmented Inspection Team (AIT), Diagnostic Evaluation Team (DET), or Incident Investigation Team (IIT) inspection;
 3. Any actions related to currently proposed escalated enforcement actions;
 4. Any case in which a [Notice of Enforcement Discretion \(NOED\)](#) is issued, and the root cause that results in the need to request the NOED was a Severity Level IV violation or violation associated with a green SDP finding warranting citation in an NOV; and
 5. Any actions involving the loss or failure to control or account for licensed material.
- c. Non-escalated NOV that must be coordinated with OE (through a SERP or enforcement panel) prior to issuance include:
1. Any actions based on willful violations or an OI investigation;
 2. Any actions involving an individual (other than an individual licensed by 10 CFR Parts 30, 40, and 70);
 3. Any non-escalated enforcement action which, by the examples in the Supplements, could be categorized at Severity Level I, II or III or characterized as red, yellow, or white by the SDP;
 4. Licensee-disputed violations, violations of 10 CFR 50.59, violations of 10 CFR Part 55, or violations of 10 CFR 50.65 that **cannot be resolved** via coordination between the involved offices;
 5. Any actions the regions believe warrant headquarters' review; and

- 6. Any actions that the Director, OE, believes warrant headquarters' review prior to issuance, such as violations that were the subject of predecisional enforcement conferences or regulatory conferences where the Director, OE, requests OE review.
- d. The approval of the DEDO is required for issuing a non-escalated NOV beyond the defined exceptions in Section VI.A (see the discussion below).
- e. The region should send OE a copy of all non-escalated NOV packages with EA numbers after it has issued the action.

3.2.4 Non-Escalated NOV Signature Authority

- a. Non-escalated NOVs should be signed and issued according to the following guidelines:
 - 1. The Regional Administrator has the authority to sign all non-escalated NOVs issued in the region. Except as noted in the preceding section, the Regional Administrator may redelegate to Branch Chiefs and above, the authority to sign and issue non-escalated NOVs issued in the region. In addition, the Regional Administrator may redelegate to qualified inspectors, the authority to sign and issue NRC Form 591.
 - 2. The Director, NRR, and the Director, NSIR, may redelegate to Branch Chiefs and above, the authority to sign and issue non-escalated NOVs involving vendors and non-power reactors.
 - 3. The Director, NMSS, may redelegate to Section Chiefs and above, the authority to sign and issue non-escalated NOVs for which NMSS evaluates, directly manages, or conducts inspections. The Director, NMSS, may redelegate to qualified inspectors, the authority to sign and issue NRC Form 591.
 - 4. When a predecisional enforcement conference is held and does not result in an escalated action, the non-escalated action will normally be signed at the level of the individual who conducted the conference.

3.2.5 Licensee Notification, Mailing, and Distribution for Non-Escalated NOVs

- a. Licensees, States, and ADAMS (PARS) are normally sent a copy of the non-escalated NOV at the time the inspection report is issued.
 - 1. The mailing and distribution of the inspection report NOV are controlled by regional procedures.
 - 2. OE receives copies of all non-escalated enforcement actions through the Document Control System.

3. Copies of non-escalated NOV's issued by the program offices should be sent to the appropriate regional office. In addition, for non-escalated NOV's issued to Agreement State licensees, a copy should be sent to the Agreement State and to the appropriate Regional State Agreements Officer(s) of the appropriate region or regions.

3.2.6 Licensee Response to a Non-Escalated NOV

- a. If the staff concludes that a licensee response is necessary, the provisions of 10 CFR 2.201 require that a licensee submit a written response to an NOV within 20 days of the date of the NOV or other time specified in the NOV. Normally 30 days should be used.
- b. If a licensee does not respond to an NOV within the allotted time and the region has made several unsuccessful attempts to contact the licensee, the region should contact OE (no later than 60 days from the date of the issuance of the NOV). Consideration will be given to whether additional enforcement action is warranted.
- c. Licensees may be granted response extensions where good cause is shown.
 1. The region may grant extensions of up to 30 days without OE approval.
 2. OE should be promptly notified of any extensions the region grants.
 3. OE approval is required for extensions beyond 30 days.
 4. Generally, verbal requests for extensions should be promptly followed up with written confirmation of the length of the extension and the date a reply is due.
 - (a) The confirmation may either be prepared by the NRC or the licensee.
 - (b) A copy of this followup correspondence is to be sent to OE and the region.
- d. Depending on whether the licensee (a) accepts the violation, (b) denies the violation, or (c) disagrees with the significance, the staff should use the following guidance:
 1. **If the licensee does not dispute that the violation occurred as stated in the NOV**, the regional office should:
 - (a) Review the licensee's response for the adequacy of the corrective action, including whether the licensee has properly identified the root causes;
 - (b) Request additional information from the licensee, if necessary;
 - (c) Acknowledge the licensee's response within 30 days of its receipt;

- (d) Send the acknowledgment letter to the same person and address to which the NOV was sent, with a copy to ADAMS (PARS) and the docket file. (Note: The acknowledgment letter does not require full distribution.)

2. If the licensee denies the violation, the regional office should:

- (a) Acknowledge receipt of the denial within 30 days from receipt of the licensee's denial if an NRC response cannot be provided in that time period;

- (b) Send the acknowledgment letter and the final NRC response to the same person and address as the NOV.

✓ Any errors identified in the NOV must be addressed in the region's response. If the licensee denies the violation based on incorrect information or additional information not previously disclosed, the region should prepare a more detailed response as appropriate.

- (c) Submit its prepared response to the Deputy Director, OE, (and OEMAIL) within 80 days of receipt of the licensee's denial (or 20 days if the region plans on responding in 30 days). The region's prepared response should include all documents necessary to support the region's position. OE will review the region's response and should provide comments to the region within five days of the date of the region's submittal.

- (d) Provide a response that addresses the licensee's points of contention, within 90 days of receipt of the licensee's denial.

3. If the licensee disagrees with the significance, the region should:

- (a) Follow the process described above when the licensee's denial addresses specific NRC guidance (i.e., Manual, Enforcement Policy, or MC 0612) that would support the violation being categorized as minor.

✓ Any errors identified in the NOV must be addressed either in a formal response or an acknowledgment letter.

- (b) When the licensee disagrees with the significance of the violation but does not provide justification for its position, send an acknowledgment letter stating that the NRC reviewed the licensee's response and concluded that the licensee did not provide an adequate basis to reclassify the violation; therefore, the NRC maintains that the violation occurred as stated.

4. The subject line in the response to the licensee's denial should appropriately describe the agency's response as follows:
 - (a) If the NRC maintains that the NOV remains valid, the subject line should read, "RESPONSE TO DISPUTED NOTICE OF VIOLATION."
 - (b) If the region concludes that a second, revised NOV should be issued, the subject line should read, "REVISED NOTICE OF VIOLATION."
 - (c) If the region concludes that the violation should be withdrawn, the subject line should read, "WITHDRAWAL OF NOTICE OF VIOLATION."

3.3 Notice of Deviation (NOD)

- a. A **Notices of Deviation** (NOD) is a written notice to a licensee describing its failure to satisfy a commitment that is not a legally binding requirement.
 1. Although an NOD is considered an administrative mechanism, it is processed as a non-escalated enforcement action.
 2. A NOD is normally sent to the licensee as an attachment to an inspection report.
- b. The timeliness goal for issuing a routine NOD is the same as for issuing clear inspections (i.e., 21 calendar days after the inspection has been completed; 30 days for team inspections (see MC 0610 and MC 0612).

3.3.1 Preparing an NOD Action

- a. The regions should prepare an NOD action package, using the applicable standard format provided in Appendix B. NODs should be dated the same date as the transmittal letter to the licensee.
 1. The NOD should include the following elements:
 - (a) Inspection reports which should be prepared in accordance with the guidance in MC 0610 and MC 87100 and the guidance provided in this Manual;
 - (b) A concise, clear statement of the applicable commitment;

✓ NODs are considered non-escalated enforcement actions, therefore, they normally do not need to be coordinated with OE prior to issuance; however, NODs involving the FSAR require the approval of the Director, OE.

- (c) A brief statement (usually no more than a few sentences) addressing the circumstances of the deviation, including the date(s) of the deviation and the facts necessary and sufficient to demonstrate that the commitment was not met ("contrary to" paragraph).
 - (1) To demonstrate noncompliance, the language of the "contrary to" statement should parallel the applicable language of the commitment.
 - (2) Each deviation, including a deviation with multiple examples, should contain a single "contrary to" statement;
- 2. As a general rule, multiple examples of the same deviation during the period covered by an inspection should be included in one citation.
 - (a) The "contrary to" paragraph should generally state the deviation, followed by "...as evidenced by the following examples" and the examples delineated as 1, 2, 3, etc.
 - (b) When the examples of a particular deviation are numerous, sufficient examples should be cited to convey the scope of the deviation and to provide a basis for assessing the effectiveness of the licensee's corrective actions. Normally three to five examples is adequate.
- 3. The NOD should also include:
 - (a) A request for the licensee to provide a response which includes the reasons for the deviation;
 - (b) The corrective actions which will be taken to avoid further deviations; and
 - (c) The date when the corrective actions will be completed.
- b. Cover letters that transmit inspection reports and NODs should be prepared by the region using the appropriate form in Appendix B modified to distinguish an NOD from an NOV.

3.3.2 Licensee Notification, Mailing, and Distribution for NODs

Licensees are normally sent NODs at the time an inspection report is issued. NODs are made available to the Public in accordance with agency procedures. The mailing and distribution of the inspection report and NOD are controlled by regional procedures.


☛ NOVs should be used for certificate holders who fail to meet requirements directly imposed on them by the NRC and for vendors who violate 10 CFR Part 21 requirements or other requirements directly imposed on them by the NRC

3.4 Notice of Nonconformance (NON)

- a. A **Notice of Nonconformance (NON)** is a written notice to a vendor or certificate holder describing its failure to meet commitments related to NRC activities. These commitments are normally contained in contract requirements and are not directly imposed on the vendor or certificate holder by the NRC.
- b. An NON is considered an administrative mechanism and is processed as a non-escalated enforcement action. An NON is normally sent to the vendor or certificate holder as an attachment to an inspection report.
- c. The timeliness goal for issuing a routine NON is the same as for issuing clear inspections (i.e., 21 calendar days after the inspection has been completed; 30 days for team inspections (see MC 0610 and MC 0612).

3.4.1 Preparing a NON Action

- a. NON actions should be prepared by:
 - 1. The NRR staff responsible for vendor cases; or
 - 2. The NMSS staff responsible for shipping package transportation cases.
- b. NONs are dated the same date as the cover letter transmitting the action to the vendor or certificate holder.
- c. The NON should include the following elements:
 - 1. Inspection reports which should be prepared in accordance with the guidance in MC 0610 and MC 87100 and the guidance provided in this Manual;
 - 2. A concise, clear statement of the applicable requirement or requirements, appropriately referenced, paraphrased, or quoted;
 - 3. A brief statement (usually no more than a few sentences) addressing the circumstances of the nonconformance, including the dates of the nonconformance (if possible to determine) and the facts necessary to demonstrate that one or more of the requirements were not met ("contrary to" paragraph).
 - (a) To demonstrate noncompliance, the language of the "contrary to" statement should parallel the applicable language of the requirement.

 Because an NON is considered a non-escalated enforcement action, it does not need to be coordinated with OE prior to issuance.
 - (b) Each nonconformance, including a nonconformance with multiple examples, contains a single "contrary to" statement;


4. As a general rule, multiple examples of the same nonconformance during the period covered by an inspection should be included in one citation.
 - (a) The "contrary to" paragraph should generally be followed by "...as evidenced by the following examples:" and examples delineated as 1, 2, 3, etc.
 - (b) When the examples of a particular nonconformance are numerous, sufficient examples should be cited to convey the scope of the nonconformance and to provide a basis for assessing the effectiveness of the corrective actions. Normally three to five examples is adequate.
 5. A request for the vendor or certificate holder to provide a response which includes a description of the actions taken or planned to correct the nonconformances, the actions taken or planned to prevent recurrence, and the date when the corrective actions were or will be completed.
- d. Cover letters that transmit inspection reports and NONs should be prepared using the appropriate form in Appendix B.


3.4.2 Notification, Mailing, and Distribution of NONs

Vendors or certificate holders are normally sent NONs at the time an inspection report is issued. NONs are made available to the Public in accordance with agency procedures.

3.5 Confirmatory Action Letter (CAL)

- a. **Confirmatory Action Letters (CALs)** are letters issued to licensees or vendors to emphasize and confirm a licensee's or vendor's agreement to take certain actions in response to specific issues. The NRC expects licensees and vendors to adhere to any obligations and commitments addressed in a CAL.
- b. CALs should only be issued when there is a sound technical and/or regulatory basis for the desired actions discussed in the CAL.
 1. CALs must meet the threshold defined in the Enforcement Policy, i.e., "to remove significant concerns about health and safety, safeguards, or the environment."
 2. CALs should be limited to those cases where the issues involved clearly meet the threshold described in the preceding paragraph.

 The level of significance of the issues addressed in a CAL should be such that if a licensee did not agree to meet the commitments in the CAL, the staff would likely proceed to issue an order.

- c. Even though a CAL by definition confirms an agreement by the licensee to take some described action, it may, at times, require some negotiation with the licensee prior to issuance.
1. The licensee must agree to take the action.
 2. Once a CAL is agreed upon, the licensee is expected to take the documented actions and meet the conditions of the CAL.
- d. A CAL may be issued when a materials licensee is violating a particular license condition, but the license condition prescribes neither the action nor the timeliness for restoring compliance as would be prescribed by a reactor licensee's technical specification action statement.
1. A CAL would be useful in this type of situation to confirm compensatory actions which, if implemented, would ensure safety such that an immediate suspension of licensed activities might not be necessary.
 2. The use of a CAL in this situation is generally reserved for materials licensees.
 3. A NOED would be the appropriate tool for reactor licensees and gaseous diffusion plants if the issue is addressed by a license or certificate condition.
- e. CALs may be issued to confirm the following types of actions (note that this is not an exhaustive list):
- In-house or independent comprehensive program audit of licensed activities
 - Correction of training deficiencies, e.g., radiological safety, etc.
 - Procedural improvements
 - Equipment maintenance
 - Equipment operation and safety verification
 - Voluntary, temporary suspension of licensed activities
 - Licensee's agreement to NRC approval prior to resumption of licensed activities
 - Root cause failure analyses
 - Improved control and security of licensed material
-  CALs are flexible and valuable tools available to the staff to resolve licensee issues in a timely and efficient manner, e.g., when an order is warranted to address a specific issue, a CAL is a suitable instrument to confirm initial, agreed upon, short-term actions covering the interval period prior to the actual issuance of the order.
- f. On occasion, licensees elect to submit letters to the NRC addressing actions that they intend to take in reaction to safety issues.
1. Depending on the significance of the issues involved, the staff may elect to issue a brief CAL accepting the licensee's letter and commitments; however, this practice should not be routine.

2. CALs should be limited to those cases where the issues involved clearly meet the threshold for issuing a CAL discussed above.
- g. CALs may be used to confirm that a licensee will adhere to existing provisions.
1. CALs should not be used to remove an individual from, or restrict his or her ability to perform, licensed activities. Such action normally requires an order, not only to ensure enforceability, but because individual rights are affected and the opportunity for a hearing must be given both to the licensee and the affected individual.
- ✓ The issuance of an order, in lieu of a CAL, should be considered whenever there is a need to ensure that a legally binding requirement is in place. Orders must be coordinated between the regional office, the appropriate program office, OGC, and OE.
2. Orders should be issued instead of CALs in the following situations:
 - (a) When it is apparent that the licensee will not agree to take certain actions that the staff believes are necessary to protect public health and safety and the common defense and security;
 - (b) When there is an integrity issue;
 - (c) When there is some likelihood that a licensee may not comply with a CAL commitment; or
 - (d) When the staff has concluded that the CAL will not achieve the desired outcome.

3.5.1 Noncompliance With CALs

- a. CALS do not establish legally binding commitments with the exception of the reporting provisions contained in Section 182 of the Atomic Energy Act, as amended (AEA) and its implementing regulations which require a licensee to notify the NRC when:
 1. The licensee's understanding of its commitments differ from what is stated in a CAL;
 2. The licensee cannot meet the corrective actions schedule; and
 3. The licensee's corrective actions are completed.
- b. Failure to provide the reports required by Section 182 of the AEA may be treated like any other violation of a legally binding requirement.

- c. Failure to meet a commitment in a CAL can be addressed through;
 - 1. An NOD;
 - 2. An order where the commitments in a CAL would be made NRC requirements; and
 - 3. A Demand For Information (DFI) where the licensee's performance, as demonstrated by the failure to meet CAL commitments, does not provide reasonable assurance that the NRC can rely on the licensee to meet the NRC's requirements and protect public health and safety or the common defense and security.
- d. Issuance of a CAL does not preclude the NRC from taking enforcement action for violations of regulatory requirements that may have prompted the issuance of the CAL. Such enforcement action is intended to:
 - 1. Emphasize safe operation in compliance with regulatory requirements; and
 - 2. Clarify that the CAL process is not a routine substitute for compliance.
- e. The NRC would not normally take additional enforcement action for those violations that continue after a CAL has been issued where compensatory actions have been accepted by the NRC and taken by the licensee in accordance with its commitments.

3.5.2 Preparing a CAL

- a. CALs should be prepared using the appropriate form in Appendix B and should include the following elements:
 - 1. A brief discussion of the specific issues with which the NRC has concern, including how and when they were identified.
 - 2. A brief statement summarizing NRC/licensee communication on the agreed-upon actions.
 - (a) The statement should include when the communication took place, the names and positions of the principal individuals involved in the communication, and whether the communication took place in a telephone conversation or a face-to-face meeting.
 - (b) Face-to-face meetings should also include the location of the meeting (i.e., regional office, licensee's facility).
 - 3. A clear description of the agreed-upon actions and where warranted and appropriate, the date(s) when actions will be completed.
 - 4. A statement that requires the licensee to provide written notification to the NRC if its understanding of the relevant issues and commitments differ from what is stated in the CAL.

5. A statement that requires the licensee to provide written notification to the NRC if for any reason it cannot complete the actions within the specified schedule. It should also require that the licensee inform the NRC of the modified schedule.
6. A statement that requires the licensee to provide written notification to the NRC if it intends to change, deviate from, or not complete any of the documented commitments, prior to the change or deviation.
7. A statement that requires the licensee to provide the NRC with written confirmation of completed actions.
8. A statement that issuance of the CAL does not preclude issuance of an order formalizing the commitments in the CAL or requiring other actions nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of the CAL.
9. A statement that failure to meet the commitments in a CAL may result in an order if the licensee's performance, as demonstrated by the failure to meet CAL commitments, does not provide reasonable assurance that the NRC can rely on the licensee to meet the NRC's requirements and protect public health and safety or the common defense and security.
10. A statement that the letter and any licensee response will be made available to the Public.
11. Citation of the regulation implementing Section 182 of the AEA and authorizing the required responses to the CAL by the licensee.

3.5.3 CAL Coordination and Review

- a. CALs should be coordinated and reviewed according to the following guidelines:
 1. CALs issued by the region must be coordinated with the appropriate program office by telephone prior to issuance.
 - (a) Unless NMSS requests, CALs issued to materials licensees do not require NMSS concurrence.
 - (b) CALs issued to reactor licensees must be concurred on by the Director, NRR.
 - (c) Because NSIR is responsible for coordinating security assessment activities across the spectrum of NRC licensees, CALs issued to NRC licensees which include security-related provisions, must be concurred on by the Director, NSIR.
 2. Regional Enforcement Coordinators should be consulted before the region issues a CAL.

3. Applicable Program Office Enforcement Coordinators should be consulted before the program office issues a CAL.
4. CALs issued by NRR, NMSS, or NSIR, must be coordinated with the appropriate region. This coordination will help to provide consistency between the regions and program offices in response to similar issues and provide program oversight and assistance.
5. Unless OE requests, CALs do not need to be coordinated with or concurred in by OE.

✓ CALs should not be used to remove an individual from, or restrict his or her ability to perform, licensed activities. Such action normally requires an order, not only to ensure enforceability, but because individual rights are affected and the opportunity for a hearing must be given both to the licensee and the affected individual.

3.5.4 CAL Signature Authority

CALs should be signed and issued according to the following guidelines:

- a. The Regional Administrator should sign all CALs issued by the region. Delegation of signature authority should not be below the Division Director or acting Division Director level.
- b. The Director, NRR, the Director, NMSS, or the Director, NSIR, should sign all CALs issued by NRR, NMSS, or NSIR, respectively. Delegation of signature authority should not be below the Division Director or acting Division Director level.

3.5.5 Licensee Notification, Mailing, and Distribution for CALs

- a. CAL distribution:
 1. CALs should be sent to the licensee by either Certified Mail (Return Receipt Requested) or Express Mail.
 2. Upon issuance, CALs should be distributed to:
 - OE
 - The appropriate Deputy EDO
 - The appropriate program office (i.e., NRR, NMSS, or NSIR)
 - The appropriate region
 - The appropriate Regional Public Affairs Officer
 - The Regional State Liaison Officer
 - The State
 - For material licensees, a copy should be sent to the Regional State Agreements Officer

3. CALs should, where possible, be made available to the Public.
- b. The staff should be sensitive to describing agreed upon licensee corrective actions that involve safeguards matters to prevent inadvertent release of safeguards information.

3.5.6 CAL Tracking Responsibilities

- a. The issuing office (i.e., region, NRR, NMSS, or NSIR) is responsible for tracking the CALs it has issued and should maintain a list summarizing the following information suitable for auditing actions associated with CALs, including:
 1. How many CALs have been issued;
 2. To whom the CAL has been issued;
 3. Why the CAL was issued, i.e., a brief description of the issues; and
 4. When all corrective actions were or will be completed.
- b. CAL tracking numbers will be assigned as follows:
 1. The region will assign CAL tracking numbers based on the region number, the year of issuance, and the sequential CAL number in that region for that year (e.g., 2-06-008).
 2. NRR, NMSS, and NSIR will assign CAL tracking numbers in the same manner as the regions, e.g., NRR-06-006, NMSS-06-003, NSIR-06-002.
 3. In cases where NSIR has the lead for the enforcement action, NSIR may, with agreement from NMSS or NRR as applicable, use the tracking system of the Office responsible for the license.
- c. Addendums to CALs should retain the same CAL number followed by an alphabetical reference based on the corresponding addendum for that CAL (e.g., 2-00-008A, NRR-00-006B).

3.5.7 Closing Out CALs

- a. A CAL may or may not require follow-up inspection to verify completion of the specified licensee actions. Whether the staff believes that an inspection is necessary to close a CAL will be determined on a case-by-case basis and will depend on the circumstances of the case.
- b. The issuing office (i.e., region, NRR, NMSS, or NSIR) will issue documentation formally closing out the CAL.

- c. Correspondence closing out a CAL should be sent to the same person/address as the CAL; however, verbal notification, in advance of written correspondence, may be sufficient to permit plant restart or resumption of affected licensee activities.

3.5.8 Press Releases for CALs

Press releases are not routinely issued to address the issuance of a CAL. If a region believes that a press release is appropriate, it should be coordinated with Public Affairs which will make that determination.