

**REGION I ANNUAL
ENFORCEMENT
REFRESHER TRAINING**

NON-TECHNICAL STAFF

JULY 2015

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LIST OF ACRONYMS

ADAMS	Agency-wide Documents Access and Management System
CP	Civil Penalty
EA	Enforcement Action
NCV	Non-cited Violation
NOV	Notice of Violation
NRC	Nuclear Regulatory Commission
RI	Region I
ROP	Reactor Oversight Process
SDP	Significance Determination Process
SGI	Safeguards Information
SL	Severity Level
SUNSI	Sensitive Unclassified Non-Safeguards Information
TE	Traditional Enforcement

INTRODUCTION

Because enforcement is an important component of the NRC oversight program, and many Region I (RI) employees have responsibilities related to this area, refresher training on the enforcement program has been provided to RI staff annually. This abbreviated version of the annual enforcement refresher training has been prepared for all administrative staff in the Office of the Regional Administrator (ORA), the Division of Reactor Projects (DRP), the Division of Reactor Safety (DRS), and the Division of Nuclear Materials Safety (DNMS). This training focuses on expected actions for administrative staff responsible for issuing final enforcement documents.

The training, which is presented in a question/answer format, is revised each year to update the information and incorporate comments received from the staff, as well as any RI or agency-wide lessons learned within the past year. After you read this refresher, we welcome any feedback and suggestions you have on how to improve the document in the future. Please provide any comments to Brice Bickett (brice.bickett@nrc.gov), Marjey McLaughlin (marjorie.mclaughlin@nrc.gov), or Cherie Crisden (Cherie.crisden@nrc.gov).

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A. What is Enforcement?

Enforcement is the issuance of sanctions to licensees and/or individuals who violate NRC requirements to deter noncompliance with NRC requirements and to encourage prompt identification and prompt, comprehensive correction of violations when they occur.

B. What are the components of the NRC Enforcement Program?

The Enforcement Program consists of: 1) the Traditional Enforcement (TE) Process (applicable to all licensees, contractors, and vendors, as well as to individuals), and, 2) the Reactor Oversight Process (ROP) and Significance Determination Process (SDP) (applicable to operating power reactor licensees only). Note that fuel cycle facilities and reactor sites under construction are subject to specific oversight processes, which will not be discussed in this training since there are no such facilities in RI.

- Under the TE Process, the staff evaluates any noncompliance with NRC requirements, and, if more than minor, assigns one of four Severity Levels (SLs), with SL I being the most significant and SL IV being the least significant.
- Under the ROP/SDP program, the staff evaluates performance deficiencies, regardless of whether they constitute violations, and, if more than minor, assigns a color (Red, Yellow, White, or Green) to each performance deficiency with Red being the most significant, and Yellow, White, and Green being of lesser significance.

C. What categories of enforcement actions are there?

There are escalated actions (for more significant issues) and non-escalated actions (for less significant issues).

D. What are Escalated Enforcement Actions?

Escalated enforcement actions under the TE Process consist of Orders, Civil Penalties (CPs), or any Notice of Violation (NOV) where at least one of the violations is classified at SL I, II, or III. Escalated enforcement actions under the ROP consist of any NOVs issued for a violation associated with a performance deficiency classified as Red, Yellow, or White under the ROP's SDP.

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E. What are Non-Escalated Enforcement Actions?

Non-escalated enforcement actions consist of SL IV NOVs, or non-cited violations (NCVs) using either the TE Process or the ROP/SDP.

F. Who normally administratively handles the issuance of enforcement actions?

Issuance of escalated enforcement actions, and investigations-based non-escalated actions, is normally handled by the administrative staff of the Office of the Regional Administrator. Issuance of non-escalated, non-investigations based, enforcement actions is normally handled by the administrative staff in the division issuing the action.

G. What are my responsibilities for issuing enforcement-related documentation?

The primary administrative considerations for enforcement-related documents are the same as for any other type of document issued by the NRC to a licensee: 1) ensuring the licensee and appropriate state agency(ies) are notified in advance of issuance; and, 2) ensuring that the document is properly issued as public or non-public in accordance with the documented Sensitive Unclassified Non-Safeguards Information (SUNSI) review.

To ensure this, the administrative staff shall:

- Obtain signature of the NRC manager designated to sign the action;
- Prior to issuance, return a copy of the letter(s) with signature to the appropriate branch chief to notify licensee/individual(s), as appropriate;
- After notifications to licensee/individual(s) are complete, inform the State Liaison Officers/State Agreements Officers to notify state(s), as needed/appropriate; and,
- After completion of state notification, complete actions to issue the letters [finalize date, issue reactor licensee actions via ListServ, and complete electronic distribution].
- Declare the final actions as official agency documents in ADAMS (either public or non-public, as noted by concurrence block), making sure to enter the Enforcement Action (EA) number in the "Case/Reference Number" property field.

A checklist of actions to be completed by both the RI enforcement staff and by the administrative staff from the responsible division prior to issuance of any enforcement actions generated by RI enforcement staff accompanies the concurrence packages for all such documents.

H. Are there any lessons-learned that I should be aware of?

- The retention of an old file path on the concurrence page of an enforcement document resulted in an incorrect version of an enforcement document being internally distributed. The error was identified before the action was made publicly-available in ADAMS, and the correct version was issued a few hours later.

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Lesson Learned – File path names do not automatically update in Microsoft Word, and staff preparing enforcement documents must manually update the file path any time it is changed. Retaining multiple versions of electronic files, especially when the file names are distinguishable by only one or two alphanumeric identifiers, can result in confusion as to which is the final version. To prevent this issue from reoccurring, the checklist includes an action for the RI enforcement staff to both: 1) verify that the filepath listed above the concurrence block for the document corresponds to the correct file name of the document; and, 2) delete (or relocate) all previous versions of the document to minimize use or distribution of the wrong version of the document.

- An enforcement action was electronically distributed via ListServ prior to the licensee being notified.

Lesson Learned – Unlike inspection reports, the issuance of stand-alone enforcement actions are not preceded by formal exit meetings with licensees. Rather, the staff conducts specific communication activities with licensees prior to issuance of the document to inform them of the action and any related next steps. For any escalated enforcement action, a formal communication plan is prepared (normally by the responsible division) that directs the communication and issuance of the action. For non-escalated actions, the responsible division should determine the best method for performing necessary communications. To prevent the issue from recurring, the checklist includes an action for administrative staff to return a copy of any signed enforcement actions to the branch chief prior to issuance so that the necessary communications may be completed.

- A power reactor enforcement action that indicated it would be distributed via ListServ was not.

Lesson Learned – As with most power reactor correspondence, all non-security enforcement actions to reactor licensees are publicly-available and should be electronically distributed via ListServ. This ensures that all interested parties, including the involved state and local officials as well as other interested stakeholders, receive a timely copy of the action. To prevent this issue from recurring, the RI enforcement staff has instituted the use of the most recent concurrence grid which clearly indicates whether or not an action is to be made publicly-available, and will continue to note the electronic distribution of such documents via ListServ on the signature page of the document.

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I. Where can I find more information regarding the NRC Enforcement Program?

- NRC Enforcement Policy
- NRC Enforcement Manual
- RI Instructions 1300 Series
- RI Webpage for Enforcement Guidance
- RI Enforcement Staff