

August 4, 2015

MEMORANDUM TO: Cynthia D. Pederson
Regional Administrator, Region III

FROM: Patricia K. Holahan, Director **/RA/**
Office of Enforcement

SUBJECT: OFFICE OF ENFORCEMENT ASSESSMENT OF THE
REGION III ENFORCEMENT PROGRAM

From May 11, 2015 to May 14, 2015, the U.S. Nuclear Regulatory Commission (NRC), Office of Enforcement (OE) conducted a program assessment of the Region III Enforcement Program. A similar assessment was completed for Region III in 2011. OE conducts assessments to fulfill its programmatic oversight role, address the findings of Government Accountability Office report GAO-13-743, and to increase collaboration and level of knowledge within the NRC enforcement community. The assessment team was comprised of enforcement specialists from OE and Region I, as well as a Senior Resident Inspector from Region IV. The purpose was to: (1) determine whether or not the NRC's Enforcement Policy, Enforcement Manual and processes are being consistently applied; (2) acknowledge good work practices; (3) share information with other NRC regions and program offices; (4) transfer knowledge to team participants; and (5) identify opportunities for improvements to enforcement related documents and administrative controls. The team participated in meetings, interviewed staff, and reviewed a comprehensive sample of enforcement related documents. A greater emphasis was placed on the non-escalated violations process and controls, and less emphasis on the escalated violations process and controls, with which OE is routinely involved.

The team concluded that Region III maintains a strong enforcement program, and effectively implements the NRC Enforcement Policy, Enforcement Manual and processes largely because of the effective collaboration among inspectors and Enforcement and Investigation Coordination Staff (EICS). The success of the RIII Enforcement Program is further attributed to the continued support provided by the region's management team. This general conclusion is substantially the same as that of Region III's previous assessment conducted in 2011.

The enclosed report discusses in more detail the results of the program assessment. The conclusion and recommendations are based on OE's mission and team consensus. Most of the good practices and recommendations are universal in nature and should be considered by each region and program office for applicability to their programs. The recommendations and good practices are aimed at enhancing the overall quality and consistency of the NRC Enforcement Program. Individual team member notes, containing more comprehensive remarks, will be provided to the RIII EICS staff by separate correspondence.

Enclosure:
As stated

CONTACT: John Wray, OE/EB
(301) 415-1288

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The team concluded that Region III maintains a strong enforcement program, and effectively implements the NRC Enforcement Policy, Enforcement Manual and processes largely because of the effective collaboration among inspectors and Enforcement and Investigation Coordination Staff (EICS). The success of the RIII Enforcement Program is further attributed to the continued support provided by the region's management team. This general conclusion is substantially the same as that of Region III's previous assessment conducted in 2011.

The enclosed report discusses in more detail the results of the program assessment. The conclusion and recommendations are based on OE's mission and team consensus. Most of the good practices and recommendations are universal in nature and should be considered by each region and program office for applicability to their programs. The recommendations and good practices are aimed at enhancing the overall quality and consistency of the NRC Enforcement Program. Individual team member notes, containing more comprehensive remarks, will be provided to the RIII EICS staff by separate correspondence.

Enclosure:

As stated

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Assessment of the Region III Enforcement Program May 11 - 14, 2015

Office of Enforcement



Team Members:

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Robert Carpenter	OE/EB
Leela Sreenivas	OE/EB
Kyle Hanley	OE/EB
Cherie Crisden	Region I
John Kramer	Region IV

Enclosure

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Executive Summary

Between May 11 and 14, 2015, the U.S. Nuclear Regulatory Commission (NRC), Office of Enforcement, conducted a program assessment of the NRC, Region III Enforcement Program. The purpose of the program assessment was to: (1) determine whether or not the NRC's Enforcement Policy, Enforcement Manual and processes are being consistently applied, (2) acknowledge good work practices, (3) share information with other NRC regions and program offices, (4) transfer knowledge to team participants, and (5) identify opportunities for improvements to enforcement related documents and administrative controls. In addition, the program assessment included other items of interest, such as the enforcement characteristics of issued press releases, the timeliness of enforcement documents noticed in the *Federal Register*, and the accessibility of enforcement-related documents through the Agencywide Documents Access and Management System (ADAMS).

The team determined that the NRC's Enforcement Policy and processes are being effectively and consistently applied largely because of the collaboration between inspectors and Enforcement and Investigation Coordination Staff (EICS) with strong support from regional management. However, two findings of low significance were identified in the materials user functional area involving categorizing an enforcement action as minor that appeared to be a Severity Level IV violation, which are normally assessed at a panel, and issuing SLIV violations without ensuring the requirements of the NRC Inspection Manual Chapter 2800 were met. In addition, the report discusses some opportunities where the documentation supporting non-escalated enforcement actions in the operating reactor and materials user functional areas, and adherence to regional programmatic administrative controls, could be improved.

The team also identified a number of good practices, including: (1) the use of Title 10 of the *Code of Federal Regulations* (CFR) Part 50, Appendix B violation boilerplates and standard violation templates which are maintained on a regional SharePoint site, (2) the Region III practice of EICS concurring on, and management periodically checking, all 10 CFR 50, Appendix B, Criterion XVI violations to ensure accurate documentation and consistent application of the regulation, and (3) the use of an independent, qualified reviewer for timely disposition of disputed enforcement actions.

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1. References to Enforcement Related Documents Reviewed
2. Enforcement Program Assessment Plan
3. Region III Specific Observations (*Distribution to RIII only*)

I. Introduction

Between May 11 and 14, 2015, the U.S. Nuclear Regulatory Commission (NRC), Office of Enforcement (OE), conducted a program assessment of the NRC Region III's (RIII) Enforcement Program. The purpose of the program assessment was to: (1) determine whether or not the NRC's enforcement policy and processes are being consistently applied, (2) acknowledge good work practices, (3) share information with other regions and program offices, (4) transfer knowledge to team participants, and (5) identify opportunities for improvements to enforcement documents and administrative controls. Attachment 1 contains a list of all documents reviewed and staff interviewed for this assessment.

II. Assessment Process

A. Scope of Review

The Enforcement Program Assessment Plan can be found in Attachment 2. In summary, a team comprising of members from OE's Enforcement Branch, Region I, and Region IV conducted the assessment of Region III's Enforcement Program. A senior enforcement specialist from OE led the team.

Prior to the on-site visit, members of the team identified candidate inspection reports and other enforcement action cases to review from lists of actions issued by the region since the last OE assessment, as well as other potential enforcement-related interest items. In particular, the operating reactor and materials user inspection reports were randomly selected from a list of all recent Region III inspections provided by the Enforcement and Investigation Coordination Staff (EICS), along with some specific reports that the team was requested to review by EICS to provide an independent interpretation of the documentation. The team placed greater emphasis on the non-escalated violations process and controls, and less emphasis on the escalated violations process, with which OE is routinely involved.

The team's activities included a review of: (1) regional enforcement program processes and administrative controls, (2) samples of non-escalated enforcement actions within the materials user and operating reactors program areas, (3) escalated enforcement process timeliness and "first time quality", (4) interviews with staff members, and (5) other enforcement-related items of interest (e.g., Notices Of Enforcement Discretion (NOEDs), Confirmatory Action Letters (CALs), disputed violations, press releases, Federal Register Notices (FRNs) for Confirmatory Orders, etc.).

B. Team Assessment in Region III

Team members were present in Region III between May 11 and 14, 2015. An entrance meeting was conducted with the Regional Administrator and Enforcement and Investigation Coordination Staff. During the entrance meeting, the team outlined the overall scope of the review and the goals it hoped to achieve during the onsite portion of the review.

During the three-and-a-half day assessment period in Region III, the team interviewed two branch chiefs and five inspectors from the DRP, DNMS and DRS, as well as members of the EICS. Additionally, team members attended a previously-scheduled monthly enforcement related management briefing.

The team reviewed 50 non-escalated (14 power reactor, 36 materials) inspection reports and enforcement actions, and select regional enforcement documents for 16 escalated actions to evaluate internal processes, as well as 43 administrative and training documents.

On May 14, 2015, the team met with regional management and staff to review the preliminary results of the Region III Enforcement Program assessment, including recognized good practices and opportunities for improvement. The team discussed the two more significant observations that are categorized as findings in this report.

III. Generic Results and Recommendations

The program assessment results are summarized into categories based on the general activities. Team member's individual observations are located in Attachment 3 for distribution to Region III only.

For purposes of this assessment, a finding, observation and recommendation are defined as follows:

- A "finding" is an objective comment concerning an issue that is believed to be inconsistent with the NRC Enforcement Policy, NRC Enforcement Manual, NRC Inspection Manual or other official guidance promulgated by OE, and should be specifically addressed with immediate corrective actions.
- An "observation" is a subjective comment made concerning an issue that is believed to positively or negatively affect the program.
- A "recommendation" may accompany a finding or an observation, which the region can use as an OE approved option to address the finding or observation.

A. Non-Escalated Enforcement Actions

1. Power Reactor Inspection Reports

The team reviewed 14 power reactor inspection reports, which were chosen using the following screening criteria: violations involving 10 CFR 50.59, 10 CFR 50 Appendix B, technical specifications, and corrective actions programs. The inspection reports were randomly selected from a list of all recent Region III inspections provided by EICS, along with some specific reports that the team was requested to review by EICS to provide an independent interpretation of the documentation. The team did not identify any findings. The following generic observations and recommendations were made by the team:

Observation (1): The team identified several examples of inspection reports which did not contain the appropriate information to support a high quality citation:

a) Several examples of non-parallel language between the statement of requirements and the "contrary to" statement. *This is a repeat observation from previous OE Regional Enforcement Program Assessments as well as RIII internal assessments.*

b) Several examples of Appendix B violations that the team believed would have been more appropriately characterized referencing a different criterion than was cited. *This is a repeat observation from previous OE Regional Enforcement Program Assessments as well as RIII internal assessments.*

c) Several examples of "contrary to statements" missing the date of violation.

d) Several examples of the use of undefined acronyms in the enforcement action (e.g. NOV), which is intended to be a standalone portion of the report.

e) Several examples of a lack of clarity in the statement of requirements (i.e., missing applicable regulatory language, or the procedural requirement paragraph).

f) Several examples of citing Appendix B, Criterion V for a licensee's corrective action program procedure, which the team believed should be characterized as a finding with no violation, or a technical specification limiting condition for operation violation.

g) Several examples of citing Appendix B without explicitly stating that the affected structure, system or component was safety related.

Observation (2): The team identified several examples of inspection report "four part write-ups" that lacked a discussion of the licensee's immediate corrective actions as required by Inspection Manual Chapter (IMC) 0612.

Observation (3): The team identified several examples of inspection report "four part write-ups" that lacked a clear and concise description of the issue as required by IMC 0612.

Observation (4): The team identified significant differences in how inspectors from different regions document 10 CFR 50.59 violations. Specifically, Region III avoids the word "inadequate" when describing a licensee's analysis since it is a subjective term, which they feel weakens the citation.

Recommendation (1): OE will consider incorporating some RIII boilerplate language and standard violation templates to OE's current web resources.

Recommendation (2): EICS should engage the regional inspection division management to address the chronic observations from previous assessments (1a & 1b), as well as track recurrence for the new observations internally to prevent chronic issues.

Recommendation (3): RIII should consider including training on the enforcement section of the inspection four part write-up as part of each inspector's continued training program.

Recommendation (4): OE will provide further guidance on the documentation of 10 CFR 50.59 violations to ensure consistency.

2. Materials Inspection Reports

The team reviewed 36 materials inspection reports, which were chosen from a list of more than 100 reports using the following screening criteria: inspection reports involving disputed violations, SL IV NOVs, NCVs, minor issues, and no findings (clear). Additionally, the RIII implementation of the Web Based Licensing database was reviewed and appears to be effective. The team identified two findings. The following findings, generic observations and recommendations were made by the team:

Finding (1): Contrary to the Enforcement Policy sections 2.2.2 and 6.3, and the Enforcement Manual section 1.2.13, the team identified one example of a violation that was issued as a minor violation, but appears to be, based on available documentation, more appropriately categorized as a SLIV violation. The team concluded that, although the agency likely would have come to the same decision as the qualified inspector and branch chief, case precedence and official OE guidance dictate that this should have been evaluated by an enforcement panel.

Finding (2): Contrary to Inspection Manual Chapter 2800, section 08.03, the team identified four NOVs on NRC Form 591M in which the inspector did not ensure that each cited violation on the forms included: a brief statement of the circumstances, including the date(s) of the violation and the facts necessary to demonstrate that a requirement was not met; reference to the regulation, license condition or other legally binding requirement that was violated; and a description of the licensee's corrective actions, (e.g. two SLIV NOVs were issued by checking NRC Form 591M, Part 1, "Option 4" without NOV boilerplate language in the write-up, and four NOVs were documented with no indication of the severity level).

Observation (1): The team identified two examples of inspection reports that did not provide appropriate justification from the Enforcement Policy for disposition of violations as NCVs, but still categorized the violations as NCVs.

Observation (2): The team identified one example of an enforcement letter that did not clearly articulate to the vendor the NRC requirements that were violated nor if the criteria for a NCV were met, and whether or not the licensee's corrective actions program was inspected and determined to meet regulatory guidance, industry standards or both by the NRC.

Recommendation (1): EICS should consider engaging the regional inspection division management to track recurrence of these observations internally to prevent chronic issues.

Recommendation (2): OE will consider implementing boilerplate language for NRC Form 591M, Part 1 concerning NRC requirement statements, contrary to statements and corrective action statements to ensure consistency and accuracy of enforcement documentation.

Recommendation (3): RIII should consider including training on the enforcement section of the inspection write-up as part of each inspector's continued training program.

B. Escalated Enforcement Actions

The team reviewed selected documentation associated with 16 power reactor escalated enforcement actions, which were chosen using the following criteria: all escalated Enforcement Action Worksheets (EAW), Choice Letters and final actions issued since the previous region III assessment. The team focused on the quality and consistency of the enforcement language used for each violation as it progressed through the enforcement process. All documents reviewed were properly profiled in ADAMS. The team did not identify any findings. The following generic observations and recommendations were made by the team:

Observation (1): The team identified one example of an unclear description of the violation (i.e., what mode the reactor was in at time of discovery) in the “contrary to” statement; however, this action was issued prior to the establishment of RIII boilerplates and standard violation templates.

Observation (2): The team noted that the region shows excellent accuracy and consistency of enforcement language between the EAW, Choice Letter (inspection report) and final NOV, improving the transparency and clarity for internal and external stakeholders. This is attributed to the internal promotion and use of available boilerplates and standard violations by EICS and inspection staff.

Recommendation (1): RIII inspection staff should continue to use the boilerplates available on the RIII EICS SharePoint site which have proven to provide a process to ensure adequate and consistent documentation.

C. Administrative Documents and Controls

The team reviewed 43 administrative documents related to enforcement, including: staff training and qualification, instructions, guidance, templates, tracking, delegations, internal program assessments, federal register notices, confirmatory action letters, use of SharePoint and press releases. The team did not identify any findings. The team identified no instances of RIII procedures or templates deviating from the guidance in the NRC Enforcement Policy and NRC Enforcement Manual. The following generic observations and recommendations were made by the team:

Observation (1): The team identified that the RIII delegation of signature authority for certain enforcement actions by the Region Administrator is insufficient in scope, clarity, specificity and limitations as required by MD 9.1, “Organization Management”. Detailed information is provided in Attachment (3).

Observation (2): The team identified that RIII internal enforcement assessments (for either reactor or materials cases) are not performed in accordance with RP-4.8, “Monitoring and Assessing Program Performance”; therefore, the program may have opportunities for improvement. The assessments lack clear corrective actions, notification of regional management, annual training and tracking of assigned actions. Additionally, the assessments are not performed by individuals independent of the process, the assessments are not on the region’s annual schedule, and no consideration is given to improving the assessment process or stewardship of resources.

Observation (3): The team determined that the RIII enforcement training program has several opportunities for improvement (e.g., formalizing knowledge base needs, management involvement, a list of scheduled & as needed training, and continuing education including lessons learned & near misses and internal assessment findings, etc.).

Observation (4): The team determined that the RIII EICS SharePoint site has several opportunities for improvement (i.e., links to agency guidance, list of region and OE contacts, updated instructions and training documents, ease of access to the site from the RIII intranet site, etc.). EICS staff lacks training and site editing permissions for their SharePoint site, which has limited their ability to control and fully implement this resource and outreach channel.

Observation (5): The team concluded that the boilerplate and standard violation templates are insightful and in accordance with promulgated OE guidance; however, these could be more user friendly through the use of “good” and “poor” write-up examples.

Observation (6): The team identified agency wide inconsistencies concerning the documentation of violations associated with a ROP finding in press releases. In some cases, the press releases fully describe the performance deficiency and safety significance without also stating the regulatory requirement that was violated.

Observation (7): The team identified that although the region requested the Office of Administration (ADM) publish confirmatory orders in the Federal Register in a timely manner, the public notification period for hearing rights ended up being less than the recommended 20 days for two of the three orders issued in RIII since 2011. Additionally, one of the Federal Register notices did not specify the effective date of the order.

Recommendation (1): The most recent delegation of authority from OE to the RAs requires the RAs to notify OE in writing of re-delegations of OE authority. Therefore, RIII should consider revising RP-3.571 with assistance from OE to ensure the requirements of MD 9.1 and the OE delegation of authority are met.

Recommendation (2): RIII should evaluate how RP-4.8 applies to the region's enforcement program and, if applicable, ensure future internal assessments of the enforcement program meet the requirements of RP-4.8.

Recommendation (3): RIII should evaluate the need for staff enforcement continuing training to at least include annual updates on lessons learned, internal/external assessment results, and updated guidance from OE or applicable program offices. This is also a requirement in RP-4.8 for programs being assessed annually.

Recommendation (4): RIII should consider giving EICS staff the necessary training and access to edit the EICS SharePoint site so that they can operate more efficiently to ensure the site is user friendly with up-to-date links to important guidance, policies and manuals, as well as EICS points of contact.

Recommendation (5): RIII should consider updating the boiler plate templates with ADAMS ML links to good examples and poor examples, or fabricate good and poor examples to close the loop on theory-to-practice understanding when using the template.

Recommendation (6): OE will consider promulgating guidance concerning the use of the applicable 10 CFR citation in public announcements (i.e., press releases).

Recommendation (7): OE will consider promulgating guidance to ensure confirmatory orders are posted in the Federal Register in a timely manner.

D. Staff Interviews

The team interviewed three branch chiefs and five inspectors from DRP, DNMS and DRS, and members of the EICS, which were chosen using the following criteria: all full time EICS staff, newly qualified and experienced reactor & materials inspectors, and branch chiefs with enforcement signature authority. The team did not identify any findings. The following generic observations and recommendations were made by the team:

Observation (1): The team noted that the regional counsel does not consistently review enforcement related factual summaries. The use of the regional counsel in conjunction with the OE enforcement specialist could alleviate some work for OGC, potentially improving timeliness.

Observation (2): The team identified that regional inspection staff interviewed lacked formal continuing, or “just in time”, training on enforcement documentation; however, the interviewed staff members appeared to have adequate general knowledge of the RIII enforcement process, and guidance promulgated by OE, to effectively perform their duties. RIII staff expressed a desire for a more formal enforcement training regimen in addition to the expected on-the-job training, as well as direct constructive feedback on their reports.

Observation (3): The team identified that regional inspection staff interviewed were aware of the EICS boilerplates and standard violation templates, and were very comfortable with contacting EICS staff with questions or concerns.

Recommendation (1): OE and OGC will consider requesting the regional counsel provide NLOs for factual summaries in conjunction with OE concurrence.

Recommendation (2): RIII should assess the interest and need for a formalized enforcement continuing training program for inspection staff and signature authorities.

IV. Good Practices

The team identified several RIII internal processes, which should be considered for implementation by all regional and program offices as applicable to their own organizational and program needs:

Good Practice (1): The team determined that the implementation and use of Appendix B violation boilerplates and standard violation templates is effective in maintaining first time quality write-ups by inspectors.

Good Practice (2): The team determined that the Region III EICS and management staff's proactive involvement in identifying and correcting chronic documentation issues was effective in preventing recurrence. Specifically, RIII recognized agency challenges with citing Appendix B, Criterion XVI violations through internal assessments, and instituted an administrative control (i.e. EICS concurrence and management spot checks) to increase consistency and accuracy of documentation. This administrative action resulted in a significant improvement in the quality and accuracy of notices of violation for Appendix B, Criterion XVI.

Good Practice (3): The team determined that the use of an independent technical reviewer for licensee disputed violations was an effective means of providing a clear and defensible response to a disputed enforcement action.

V. Conclusions

The team concluded that Region III maintains a strong Enforcement Program, and is effectively implementing the NRC Enforcement Policy, Enforcement Manual and processes largely because of the efficient and effective collaboration among inspectors and EICS. The success of the Region III Enforcement Program can be further attributed to the continued support provided by the Region III management team.

However, two findings of low significance were identified in the materials user functional area involving categorizing an enforcement action as minor that appeared to be a Severity Level IV violation, which are normally assessed at a panel, and issuing SLIV violations without ensuring the requirements of the NRC Inspection Manual Chapter 2800 were met. In addition, the report discusses some opportunities where the documentation supporting non-escalated enforcement actions in the operating reactor and materials user functional areas, and adherence to regional programmatic administrative controls could be improved.

The team also identified a number of good work practices, including (1) the use of 10 CFR 50, Appendix B violation boilerplates and standard violation templates which are maintained on a regional SharePoint site, (2) the Region III practice of EICS concurring on, and management periodically checking, all 10 CFR 50, Appendix B, Criterion XVI violations to ensure accurate documentation and consistent application of the regulation, and (3) the use of an independent, qualified reviewer for timely disposition of disputed enforcement actions. OE provided this report in draft form to RIII for review, and incorporated requested changes based on noted factual errors in the draft, as well as additional supporting documentation provided by RIII EICS.

VI. References

- A. Office of Enforcement Instruction ADM-110, Conduct of Enforcement Program Assessments, Revision, dated December 16, 2010 (ML101940235)
- B. NRC Enforcement Manual, Revision 9, dated September 9, 2013
- C. NRC Enforcement Policy, Revision dated July 9, 2013
- D. Memorandum: Delegation of Authority for Certain Enforcement Actions to the Regional Administrators, dated January 28, 2015 (ML14342A745)
- E. NRC Management Directives 9.1, 9.19, and 9.29.
- F. NRC Inspection Manual Chapter 2800, Revision dated November 15, 2010

Attachment 3: Region III Specific Observations (*Distribution to RIII only*)

Individual team member notes provided to RIII EICS staff.

For further information regarding the findings, observations and recommendations within this report, please contact the following team member(s):

- Non-escalated reactor enforcement cases: John Kramer, Cherie Christen
- Non-escalated materials enforcement cases: Leela Sreenivas
- Escalated reactor enforcement cases, training and procedures: Kyle Hanley
- Orders, letters and factual summaries: Rob Carpenter
- Public Affairs, Federal Register notices, staff interviews and best practices: John Wray

Enforcement Program Assessment Plan
Region III
May 11 - 14, 2015

I. Purpose

This is an assessment to review the Region III enforcement program, and verify its consistency with the Commission's regulations, NRC Enforcement Policy, NRC Enforcement Manual, and other guidance promulgated by the Director of OE. This plan also provides for the exchange of best practices, knowledge transfer for participants, and identification of needed improvements in the guidance provided by OE.

II. Scope

This assessment is a holistic and high level review of the Agency's enforcement program as implemented in Region III including related instructions, guidance documents, generic templates, delegations of authority, management support, internal tracking & programmatic reviews, internal corrective actions & process improvement, implementation of EGMs & IEPs, and the consistency of actions taken from one region or program office to another.

III. Assessment Team. The team will consist of six members, four from OE/EB, and two from other regional offices. The team lead will be a Senior Enforcement Specialist from Headquarters.

IV. Requested Region III Support

A. Facilities. The following facility resources are requested while the team is on-site:

1. Network computer stations or laptops;
2. Telephones;
3. One large room (or equivalent) able to accommodate six staff;
4. Office supplies (e.g., pens, notebooks, paper, stapler, etc.);
5. Access to photocopier and scanner;
6. Access to private offices or areas for staff interviews; and
7. Facility security access to common areas and the EICS work areas.

B. Staff. The following staff resources are requested while the team is on-site:

1. Scheduled Interviews on May 12 & 13 (approximately 30-45 min each):
 - a. Four inspection division staff (chosen by EICS);
 - b. EICS Team Leader;
 - c. Inspection Branch Chiefs (as available);
 - d. Inspection Division Directors (or deputy as available);
 - e. Deputy Region Administrator (as available); and
 - f. Region Administrator (May 11 afternoon in brief, May 14 morning exit brief).
2. Access to at least one EICS staff member available while the team is onsite to accommodate document requests, and answer process related questions.
3. At least one EICS staff member available to act as a point of contact to accommodate document requests, and answer additional requests for information prior to and post onsite visit.

C. Meetings. The assessment team further requests access to all meetings in which enforcement matters may be discussed. To facilitate this request, the team will need a comprehensive schedule of regularly occurring management, inspection division and inspection branch level meetings to facilitate the team choosing which meetings to attend while onsite. The team does not request meetings to be re-scheduled to accommodate the assessment schedule.

V. Activities

A. Prior to Arrival

1. The assessment team requests the following documents (only specifically enforcement related) be submitted to the assessment team leader no later than two weeks prior to the onsite visit:
 - a. Office Instructions or other official guidance documents;
 - b. Delegation of Signature Authorities;
 - c. Templates or "Boilerplates";
 - d. Example training documents (e.g., indoctrination, qualification and list of continuing training sessions);
 - e. Most recently completed internal program review; including a list of any corrective actions or process improvement recommendations; and
 - f. Any up-to-date enforcement metric tracking document.
2. The assessment team will also review all open counterpart meeting action items, all previous program assessment reports, the status of OE guidance update requests, novel or precedent setting cases closed in the past calendar year, and any recent changes to the NRC Enforcement Policy and NRC Enforcement Manual.

B. Onsite

1. Entrance and Exit Brief with EICS and Region III Management.
2. Complete interviews as scheduled with regional staff.
3. Attend enforcement meetings as scheduled.
4. Review the tools and methods used to identify, process, track, and complete both escalated and non-escalated enforcement actions (if possible, observe a regional inspection debrief at which minor violations will likely be discussed). Include in the review the methods used to facilitate open discussions with the divisions and with Office of Investigations staff.
5. Nonescalated Enforcement Actions
 - a) Review a representative sample of noncited violations (NCVs) issued throughout the previous year in all applicable program areas (i.e., reactor, materials (including NRC Form 591s), and independent spent fuel storage facilities).
 - i. Verify that NCVs are valid and properly documented in inspection reports.
 - ii. Verify that NCV criteria are met.

- b) Review use of the “minor” guidance to verify appropriate threshold in considering issues “minor”.
- c) Review a representative sample of SL IV notice of violations (NOVs) issued from the different inspection program areas.
 - i. Verify that NCV criteria were not met.
 - ii. Verify that NOVs were correctly written (i.e., requirement and “contrary to” statement).
- d) Review use/application of enforcement discretion guidance, especially those that do not require further reviews by OE or the regional enforcement staff.
- e) Review a representative sample of disputed violations in the applicable program areas, and determine whether the disputed violations were dispositioned properly.

6. Escalated Enforcement Actions

- a) Select three escalated cases—one reactor significance determination process case, one nonwillful materials case, and one willful case—and review the following activities:
 - i. EAW preparation;
 - ii. Package preparation;
 - iii. Conduct of predecisional enforcement conference;
 - iv. Conduct of alternative dispute resolution, if applicable;
 - v. Timeliness of related activities and overall action to assess management controls;
 - vi. Handling of individual action and enforcement action numbers;
 - vii. Handling of personal history questionnaire apparent violations;
- b) In addition, select a representative sample of the following and assess conformance with available guidance:
 - i. Use of Confirmatory Action Letters and Orders;
 - ii. Factual Summaries;
 - iii. NOEDs;
 - iv. 50.59 reviews and associated enforcement actions; and
 - v. Interim Enforcement Policies and Enforcement Guidance Memoranda.

7. Proposed Onsite Schedule (may change due to availability and specialty):

Team Member	Primary Duty by Date			
	May 11	May 12	May 13	May 14
Leader	AM: Travel PM: Entrance Brief with EICS and RA	AM: Interviews	AM: Interviews	PM: Exit Brief with EICS and RA
		PM: Interviews	PM: Draft Report	
2		AM: Interviews	AM: Interviews	
		PM: Interviews	PM: Interviews	
3		AM: Attend Meetings	AM: Attend Meetings	
		PM: Attend Meetings	PM: Attend Meetings	
4		AM: Document Review	AM: Document Review	
		PM: Document Review	PM: Document Review	
5		AM: Document Review	AM: Document Review	
		PM: Document Review	AM: Document Review	
6		AM: Document Review	PM: Document Review	
		PM: Document Review	PM: Document Review	

C. Post Site Visit. Consolidate and review information from the onsite assessment, and address any outstanding questions or concerns with the Region III EICS point of contact.

VI. Assessment Report

A. Finalize the assessment report of the Region III enforcement program, and obtain team consensus on findings and recommendations. The assessment reports shall specifically focus on:

1. The timeliness of the enforcement process;
2. The consistency of the host program with other regions and program offices;
3. The effectiveness of the region's administrative and supervisory controls to ensure consistency with the requirements of the NRC Enforcement Policy and NRC Enforcement Manual.
5. The report should also address potential generic issues and best practices in the form of assigned action items to improve OE guidance and promulgating generic recommendations for regional and program office consideration.
6. Findings related to discrepancies in specific enforcement actions, found incident to these assessments, should be reported to the host management, but may not be included in this report.

B. Assessment reports shall be reviewed and approved by the Director of OE. Approved reports will be forwarded to the applicable region or program office and posted on ADAMS (non-public) and the OE SharePoint site.

C. The report should receive final approval within 45 days of the onsite Region III exit-brief (i.e., approximately 26 June 2015).

Attachment 1: References to Enforcement-Related Documents Reviewed

Region III Materials Users Inspection Reports

	Materials User Licensee	Form 591	Inspection Report
1	Helen Newberry Joy Hospital	ML13329A432	3034481-13-01
2	JANX Integrity Group	ML13354C090	3011772-13-02
3	Munson Medical Center	ML14325A160	3002074-14-01
4	Jackson County Road Commission	ML14023A565	3037787-14-01
5	Allegiance Health	ML14029A278	3001990-14-01
6	Indianapolis Veterinary Referral	ML14052A231	3037823-14-01
7	Synergy mobile Imaging, LLC	ML14062A104	3038601-14-01
8	Hot Shots Nuclear Medicine	ML14055A238	15000012-14-01
9	NASA	ML14105A292	3005626-14-01
10	GEOTECHNICS	ML14073A769	3021086-14-01
11	Liberty Hospital	ML14097A299	3010532-14-01
12	Radiation Oncology Associates	ML14097A271	3036814-14-01
13	Huron Memorial Hospital	ML14106A240	3012179-14-01
14	Bade Properties Holding, LLC	ML14132A065	3038661-14-01
15	Region 3 General Licensees	ML14122A267	99990003-14-04
16	Michigan Steel Industries	ML14150A189	99990003-14-06
17	Venocure, PLLC	ML14140A573	3038666-14-01
18	Mallinckrodt, LLC	ML14146A215	3000001-14-01
19	Mallinckrodt, LLC	ML14156A212	3038173-14-01
20	McNDT Pipeline, Ltd.	ML14169A349	150-0001-14-02
21	Patriot Engineering	ML14183B542	3037878-14-03
22	Shared Imaging, LLC	ML14167A494	3038312-14-01
23	Memorial Hospital	ML14202A114	3017335-14-01
24	Essential Isotopes	ML14363A205	3038132-14-01
25	Ultra Technic Services Inc.	ML14247A581	3035085-14-01
26	American Radiolabeled Chemicals	ML14339A436	3020567-14-01
27	Sterigenics (Corporate)	ML14339A814	03036766-14-01
28	Thermal Engineering International	ML14363A133	3017798-14-01
29	Mid-Michigan Physicians, P.C.	ML15049A265	3036617-15-01
30	Cardinal Health	ML15126A474	3036973-15-04
31	St. Vincent Hospital & Health Center	ML13282A698	3001579-13-01
32	Westinghouse Electric Company	ML14254A119	07000036-14-03

Retracted Disputed Materials Enforcement Actions			
33	EA-11-038 Cardiovascular Diagnostics	ML103510649	ML11130A101
34	EA-11-281 University of Missouri	ML11264A063	ML12040A125
35	EA-12-036 IUPUI (Indiana/Purdue)	ML11357A185	ML12151A160
36	EA-14-006 Continental Cement	ML13249A282	ML14052A380

Region III Operating Power Reactor Inspection Reports

Operating Reactor Licensee Inspection Report		ADAMS ML#
1	Re-Issued Inspection Report: Byron Station, Units 1 and 2, IR 05000454/2014005; 05000455/2014005, Dated February 10, 2015	ML15041A228
2	Clinton Power Station - IR 05000461/2014004, Dated November 4, 2014	ML14308A514
3	D. C. Cook Nuclear Power Plant, Units 1 and 2, Evaluations Of Changes, Tests, And Experiments And Modifications Baseline IR 05000315/2014007; 05000316/2014007, Dated April 15, 2014	ML14105A326
4	Davis-Besse Nuclear Power Station Integrated Inspection Report 050000346/2014003, Dated July 31, 2014	ML14212A468
5	Dresden Nuclear Power Station, Units 2 and 3 Triennial Fire Protection IR 05000237/2014008; 05000249/ 2014008, Dated June 16, 2014	ML14168A224
6	Dresden Nuclear Power Station, Units 2 and 3 Integrated Inspection Report 05000237/2014004; 05000249/2014004, Dated October 23, 2014	ML14296A594
7	Duane Arnold Energy Center – NRC Follow-Up IR 05000331/2014010 And Notice Of Violation, Dated September 19, 2014	ML14266A423
8	Duane Arnold Energy Center – Integrated Inspection Report 05000331/2014005, Dated February 4, 2015	ML15037A046
9	Palisades Nuclear Plant Component Design Bases Inspection 05000255/2014008, Dated December 2, 2014	ML14338A848
10	Re-Issued Inspection Report: Point Beach Nuclear Plant, Units 1 and 2 NRC 95002 Supplemental Inspection Report 05000266/2014007; 05000301/2014007 And Assessment Follow-Up Letter, Dated April 25, 2014	ML14115A147
11	Prairie Island Nuclear Generating Plant, Unit 2, Steam Generator Replacement Inspection Report 05000306/2013011, Dated February 27, 2014	ML14059A113
12	Prairie Island Nuclear Generating Plant, Units 1 and 2 NRC Integrated Inspection Report 05000282/2014002; 05000306/2014002, Dated May 5, 2014	ML14127A025
13	Prairie Island Nuclear Generating Plant, Units 1 and 2; NRC Biennial Problem Identification and Resolution Inspection Report 05000282/2014007; 05000306/2014007, Dated August 6, 2014	ML14218A268
14	Clinton Power Station, Evaluations Of Changes, Tests, and Experiments and Permanent Plant Modifications Baseline Inspection Report 0500461/2015008, Dated April 23, 2015	ML15118A496

Region III Enforcement Program Administrative Documents

Document	
1	Assessment of Reactor Non-Cited Violations Issued January 1 Through June 30, 2014, dated October 24, 2014 (ML14329A369)
2	Disputed Actions and Cross-Cutting Aspects (RP-EM-006), dated April 26, 2013
3	Escalated Enforcement Process (RP-1600), dated October 11, 2012
4	Notice of Enforcement Discretion (RP-EM-0061), dated August 2, 2013
5	Designation of Individuals Authorized to Sign Correspondence Sent Outside NRC and Concurrences Required (RP-3.571), dated September 11, 2014
6	Monitoring and Assessing Program Performance (RP-4.8), dated August 2, 2013
7	System of Procedures, Notices, and Division Instructions (RP-3.57) and Handbook, dated August 5, 2014
8	Authority of Individuals Acting as Supervisors/Managers (RP-NR-009), dated December 27, 2013
9	SharePoint Logs: LOG Confirmatory Action Letters, LOG Disputed Violations, LOG Notices of Enforcement Discretion
10	Redelegation of Authority by the Regional Administrator (RP-0335), dated November 7, 1994
11	(6) Training Power Points available on RIII EICS SharePoint
12	(5) Appendix B Violation Templates available on RIII EICS SharePoint
13	(5) Other Standard Violation Templates available on RIII EICS SharePoint
14	RIII Enforcement Metric Tracking
15	Note, To: Aaron McCraw, From: Paul Pelke, "April 2015 DNMS Materials Inspection Report Audit", dated April 17, 2015 (additionally, six previous notes listed on the self-assessment plan were reviewed)
16	Status Table for Region III's FY 2015 Planned Self-Assessments
17	(3) Federal Register Notices for notification of NRC Orders for EA-14-013, EA-14-113 and EA-13-251
18	Confirmatory Action Letters For Davis-Besse (3-11-001, ML11336A355) & Palisades (EA-12-155, ML12199A409 & ML13177A280)
19	Assessment of Reactor Non-Cited Violations Issued June 1 Through December 31, 2012, dated October 24, 2013 (ML13322B327)
20	(9) Region III enforcement press releases (15-007, 15-004, 15-003, 15-002, 14-040, 14-039, 14-038, 14-031, 14-020)

Region III Staff Interviews

Assessment Team Member	RIII Staff Member, Position
John Kramer, Cherie Crisden	Laura Smith, DRS Inspector
John Wray, Cherie Crisden	Wayne Slawinski, Decommissioning Inspector
John Kramer, Cherie Crisden	Nestor Feliz-Adorno, DRS Inspector
Leela Sreenivas, Cherie Crisden	Debbie Piskura, Materials Inspector
Rob Carpenter	Jared Heck, Regional Counsel
John Kramer	AnnMarie Stone, DRS Branch Chief
Leela Sreenivas, Cherie Crisden	Aaron McCraw, Materials Branch Chief
John Wray, John Kramer	Diana Betancourt, Resident Inspector

Region III SLIV and Escalated Enforcement Documents

EA Number		ADAMS	EA Number		
1	2015-001	(EAW) ML15026A685 (Choice Letter) ML15029A177 (NOV) ML15085A273	9	2013-182	(EAW) ML13256A307; (Choice Letter) ML13274A555 (NOV) ML13353A487
2	2014-237	(EAW) ML15026A743 (Choice Letter) ML15050A653 (NOV) ML15106A595	10	2013-125	(EAW) ML13228A354; (Choice Letter) ML13169A212 (NOV) ML13221A187
3	2014-168	(EAW) ML14308A674 (Choice Letter) ML14336A624 (NOV) ML15056A072	11	2013-096	(EAW) ML13256A210 ; (Choice Letter) ML13162A776 (NOV) ML13240A435
4	2014-165	(EAW) ML14308A667 (Choice Letter) ML14342A991 (NOV) ML15057A401	12	2013-079	(EAW) ML13260A215 (Choice Letter) ML13128A056 (NOV) ML13213A073
5	2014-129	(EAW) ML14308A552 (Choice Letter) ML14261A133 (NOV) ML14295A779	13	2012-273	(EAW) ML13037A575 (Choice Letter) ML13024A420 (NOV) ML13081A503
6	2014-022	(EAW) ML14097A067 (Choice Letter) ML14079A090 (NOV) ML14150A033	14	2012-272	(EAW) ML13037A536 (Choice Letter) ML13024A422 (NOV) ML13094A270
7	2013-223	(EAW) ML14066A162 (Choice Letter) ML13319A278 (NOV) ML14042A065	15	2012-220	(EAW) ML12335A362 (Choice Letter) ML12339A324 (NOV) ML13004A280
8	2013-209	(EAW) ML13318A130 (NOV) ML13318A973	16	2012-106	(EAW) ML12171A321 (Choice Letter) ML12153A245 (NOV) ML12206A514