

# NRC INSPECTION MANUAL

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MANUAL CHAPTER 0612

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POWER REACTOR INSPECTION REPORTS

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## POWER REACTOR INSPECTION REPORTS

### 0612-01 PURPOSE

To define the content and format for reports of power reactor inspections.

### 0612-02 OBJECTIVES

To ensure that inspection reports:

02.01 Clearly communicate significant inspection results in a consistent manner to licensees, NRC staff, and, where applicable, the public.

02.02 Document the basis for significance determination and enforcement action.

02.03 Provide inspection results as one input into the Operating Reactor Assessment Program (IMC 0305) of the Reactor Oversight Process (ROP) and the Operating Security Assessment Program.

### 0612-03 DEFINITIONS

The following terms are applicable for the purposes of documentation:

AV: An inspection finding which may or may not have regulatory requirements associated with it and, therefore, may or may not be a violation, but has been determined to be potentially greater-than-green in risk significance.

Closed Item: A matter previously reported as a noncompliance, an inspection finding, a licensee event report, or an unresolved item, that the inspector concludes has been satisfactorily addressed based on information obtained during the current inspection.

Cross-Cutting Aspect: Information which helps in development of a common performance theme when inspection findings are reviewed in aggregate during mid-cycle and end-of-cycle assessment reviews.

Deviation: A licensee's failure to satisfy a written commitment, such as a commitment to conform to the provisions of applicable codes, standards, guides, or accepted industry practices when the commitment, code, standard, guide, or practice involved has not been made a requirement by the Commission.

Escalated Enforcement Action: A notice of violation or civil penalty for any Severity Level I, II, or III violation; a notice of violation associated with an inspection finding that the significance determination process characterizes as having low to moderate, or greater safety significance (White, Yellow or Red finding); or any order based upon a violation.

Finding (FIN): A NRC-identified or self-revealing issue of concern that is associated with a licensee performance deficiency. Findings may or may not be associated with a regulatory requirements and, therefore, may or may not result in a violation. Licensee-identified findings of very low safety significance (Green) that are not violations of regulatory requirements are not documented in inspection reports.

Green Finding: A finding of very low safety significance.

Independent Item: An item used to track information that does not originate in or is typically not documented as a finding in an inspection report but may be referenced in an inspection report to assess plant performance such as an Office of Investigation harassment and intimidation case.

Integrated Inspection Reports: A reactor inspection report that combines inputs from several inspections (resident, regional, etc.) conducted within a specified period.

Issue: A well-defined observation or collection of observations that is of concern and may or may not result in a finding.

Licensee-Identified: For the purpose of this inspection manual chapter (IMC), “licensee-identified” findings are those findings that are not NRC-identified or self-revealing. Most, but not all, licensee-identified findings are discovered through a licensee program or process. Some examples of licensee programs that likely result in such findings are post maintenance testing, surveillance testing, ASME Section XI testing, drills, critiques, event assessments, evaluations, or audits conducted by or for the licensee. Other examples of licensee-identified findings are those findings that are identified by the licensee as a result of their deliberate and focused observation during the course of performing their normal duties (e.g., plant operator or other licensee personnel identifying a packing leak on a valve or identifying a valve out-of-position during a routine tour of the facility would be considered licensee-identified, although the individual’s duties at the time may not have been to identify these types of deficiencies).

Minor Violation/Finding: A violation or finding that is less significant than a Severity Level IV violation or less significant than what the SDP characterizes as Green and is of such low significance that documentation in an NRC inspection report is not normally warranted. Although minor violations must be corrected, they are not usually described in inspection reports (see exception in section 05.03.d).

Non-Cited Violation (NCV): A method for dispositioning a Severity Level IV violation or a violation associated with a finding that is characterized as Green (very low safety significance). Provided applicable criteria in the enforcement policy are met, such findings are documented as violations, but are not cited in notices of violation, which normally require written responses from licensees.

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

Nonconformance: A vendor’s or certificate holder’s failure to meet contract requirements related to NRC activities (e.g., 10 CFR Part 50, Appendix B, Part 71, or Part 72) where the NRC has not imposed requirements directly on the vendor or

certificate holder.

Notice of Violation (NOV): A formal, written citation in accordance with 10 CFR 2.201 that sets forth one or more violations of a legally binding regulatory requirement.

NRC-Identified: For the purpose of this IMC, NRC-identified findings are those findings, found by NRC inspectors, of which the licensee was not previously aware or had not been previously documented in the licensee's corrective action program. NRC-identified findings also include previously documented licensee findings to which the inspector has significantly added value. Added value means that the inspector has identified previously unknown weakness in the licensee's classification, evaluation, or corrective actions associated with the licensee's correction of a finding.

Observation: A factual detail noted during an inspection. Observations are not generally documented in inspection reports but may be documented in conjunction with and to support a finding. Additionally, observations may be documented to support the requirements of temporary instructions and Inspection Procedure (IP) 71152, "Identification and Resolution of Problems."

Performance Deficiency: An issue that is the result of a licensee not meeting a requirement or standard where the cause was reasonably within the licensee's ability to foresee and correct, and that should have been prevented. The licensee does not have to be committed to a standard in order to determine whether there is a performance deficiency (PD). For example, a PD is determined to exist if the licensee fails to adhere to a widely accepted industry standard.

If the performance deficiency has related cross-cutting aspects, the cross-cutting aspects are generally considered an underlying cause of the performance deficiency rather than an independent issue. Issues of problem identification and resolution, human performance, or establishment of a safety-conscious work environment, in and of themselves, do not provide the basis for a performance deficiency.

Potentially Generic Issue: An inspection finding that may have implications for other licensees, certificate holders, or vendors whose facilities or activities are of the same or similar manufacture or style.

Red Finding: A finding of high safety significance.

Self-Revealing: For the purpose of documentation in the ROP (versus enforcement), self-revealing findings are those findings that become self-evident and require no active and deliberate observation by the licensee or NRC inspectors to determine whether a change in process or equipment capability or function has occurred. Additionally, self-revealing findings will normally be documented in the inspection report for the time period in which the self-revealing event occurred. Self-revealing findings become readily apparent to either NRC or licensee personnel through a readily detectable degradation in the material condition, capability, or functionality of equipment or plant operations. Self-revealing findings are treated the same as NRC-identified findings for the purposes of documenting them in inspection reports. Some examples of self-revealing findings include those resulting from: reactor trips and secondary plant transients; failure of emergency equipment to operate; unanticipated or unplanned relief

valve actuations; obvious failures of fluid piping or plant equipment; and identification of large quantities of water in areas where you would not normally expect such a condition; non-compliance with high radiation area requirements that was identified through an electronic dosimeter alarm.

Significance: A measure of importance. As used in this IMC, significance involves the consideration of: (1) actual safety consequences; (2) potential safety consequences, including the consideration of risk information; (3) potential for impacting the NRC's ability to perform its regulatory function; and (4) any willful aspects of the violation.

Significance Determination Process (SDP): The process used to characterize the importance of an inspection finding using the process described in IMC 0609.

Substantive: Involving matters of major or practical importance; considerable in amount or numbers. In this IMC, substantive information must be placed in context relative to the inspection scope and the potential or actual safety significance.

Unresolved Item (URI): An issue about which more information is required to determine if it is acceptable, if it is a finding, or if it constitutes a deviation or violation. Such a matter may require additional information from the licensee or cannot be resolved without additional guidance or clarification/interpretation of the existing guidance (e.g., performance indicator reporting guidance).

Violation (VIO): The failure to comply with a legally binding regulatory requirement, such as a statute, regulation, order, license condition, or technical specification.

Weakness: (Applies to emergency preparedness) A demonstrated level of performance (e.g., in a drill) that could have precluded effective implementation of the emergency plan in the event of an actual emergency.

Willfulness: An attitude toward noncompliance with requirements that ranges from careless disregard to a deliberate intent to violate or falsify.

White Finding: A finding of low to moderate safety significance.

Yellow Finding: A finding of substantial safety significance.

## 0612-04 RESPONSIBILITIES

04.01 General Responsibilities Each inspection of a reactor facility shall be documented in a report consisting of a cover letter, a cover page, a summary of findings or summary of issues, and inspection details.

### 04.02 Inspectors

- a. All NRC power reactor inspectors are required to prepare inspection reports in accordance with the guidance provided in this manual chapter.



- b. Inspectors have the primary responsibility for ensuring that inspection findings are accurately reported, and that referenced material is correctly characterized.
- c. Inspectors are responsible for ensuring that the content of the inspection report does not conflict with the information presented at the exit meeting.

#### 04.03 Branch Chiefs and Division Directors

- a. A manager familiar with NRC requirements in the inspected area shall review each inspection report to ensure that the report follows the format given in this chapter.
- b. The management reviewer shall ensure that inspection findings are consistent with NRC policies and technical requirements and that enforcement-related findings are addressed in accordance with the NRC Enforcement Policy and the NRC Enforcement Manual.
- c. The management reviewer shall ensure that significance determinations made in the inspection report are in accordance with IMC 0609.
- d. Regional managers shall establish internal procedures to provide a record of inspectors' and reviewers' concurrences. The procedures should address how to ensure continued inspector concurrence when substantive changes are made to the report as originally submitted, and how to treat disagreements that occur during the review process.
- e. The applicable division director or designated branch chief is responsible for the report content, tone, overall regulatory focus, and timeliness of regional inspection reports.

04.04 Division of Inspection and Regional Support The Reactor Inspection Branch is responsible for providing interpretations of the information contained in this manual chapter, for answering questions related to the guidance, and for providing guidance for situations not covered in this manual chapter.

#### 0612-05 SCREENING INSPECTION RESULTS

The documentation process begins with the screening of inspection results to determine if an inspection issue must be documented in an inspection report. Use the process described in the following steps to screen inspection results.

05.01 Screen for Performance Deficiencies Determine if a performance deficiency exists.

- a. Answer the performance deficiency question in Appendix B, Section 1.
- b. If the answer to the performance deficiency question is “No,” then the issue is not a performance deficiency. However, if the issue is a violation, then review the information with your immediate supervisor and the regional enforcement

coordinator to determine the appropriate action. Go to Section 0612-06.

- c. If the answer to the question is “Yes,” then the issue is a finding. Go to Section 05.02 of this chapter.

**05.02 Screen for Traditional Enforcement Action** This screen is used to determine if a finding warrants consideration of enforcement action using severity levels and possible civil penalties by virtue of being in one of the prescribed categories for traditional enforcement. It is expected that only a small fraction of all identified findings will be traditional enforcement findings.

- a. Answer the enforcement questions listed in Appendix B, Section 2.
- b. If the answer to any of the enforcement questions is a “Yes,” then the finding should be addressed by traditional enforcement. Discuss the finding with management to determine severity level and enforcement action. If the finding can also be evaluated with an SDP, discuss options with management. Go to Section 0612-06.

**05.03 Screen for Greater than Minor**

- a. Review the list of sample minor findings listed in Appendix E.
- b. If the finding is similar to the samples listed as being minor, then the finding should not be documented.

If the finding is similar to the samples as being greater than minor, then describe the set of conditions that make the finding greater than minor (e.g., the associated cornerstone attribute and how the objective was affected).

- c. If the examples in Appendix E are not applicable, then answer the minor questions in Appendix B, Section 3.

If the answer to any of the minor questions is “Yes,” then go to section 05.04 of this chapter to determine its safety significance. Also, describe the set of conditions that make the finding greater than minor (e.g., the associated cornerstone attribute and how the objective was affected).

- d. If the answer to all of the minor questions is “No,” then do not document the finding. See exception in text box noted below. [See also the note below.](#)

**EXCEPTION:** A minor violation or a finding may be documented when it is necessary to close a licensee event report, or to close an unresolved item, or if related directly to an issue of agency-wide concern (e.g., in documenting the results of a temporary instruction). If it is necessary to document a minor violation, then it is done in accordance with the guidance contained in the Enforcement Manual.

NOTE: Determining that a cross-cutting aspect is associated with a finding does not in itself indicate that the finding is more-than-minor. The more-than-minor determination may be made only as described above, and does not depend in any way on the existence or non-existence of an associated cross-cutting aspect.

05.04 Screen for Significance Determine the significance of the greater than minor finding.

- a. Review the questions contained in Appendix B, Section 4 to determine if the finding can be evaluated with an SDP.
- b. If the questions indicate that use of an SDP is appropriate, then go to the appropriate section of IMC-0609, process the finding through the SDP, determine the color of the finding, and document the finding in the appropriate section of the report.
- c. If a finding is greater than minor, but cannot be evaluated by an SDP and does not fit traditional enforcement, then submit the finding for review by the regional branch chief to ensure that it is of very low safety significance (Green). If management review determines that the finding has the potential to be greater than Green in significance, then the disposition of the finding must be coordinated with the Regional Enforcement Coordinator.

Note: For issues involving the maintenance rule, the Quality and Vendor Branch of Division of Engineering in NRR must be consulted before finalizing the inspection findings.

#### 0612-06 WRITING INSPECTION DETAILS

After each inspection issue has been screened and the determination has been made about what must be included in an inspection report, the details supporting each finding must be documented. The term finding as used in this section implies that it was determined to be greater than minor and requires documentation. The Details section of routine and integrated NRC inspection reports must conform to the standard format described in this section.

In those cases where a standard format is not readily applied, the most important subject should be identified first, followed by a discussion of major topics identified in descending order of significance.

Exceptions to the standard format include:

- supplemental inspection reports,
- augmented inspection team (AIT) reports,
- special inspection reports, and
- other cases where the specifically directed focus of the inspection does not

easily fit into the standardized report outline (i.e., license renewal inspections).

Additional guidance:

- Supplemental Inspection results must also reflect the additional guidance provided in Appendix C.
- IP 71152, “Identification and Resolution of Problems” results have varying thresholds for documentation and must reflect the guidance provided in Appendix D.
- Escalated enforcement actions must reflect the guidance found in the Enforcement Manual, Appendix B, “Standard Formats for Enforcement Packages.”

06.01 Inspectable Area Identify the inspectable area as defined in Exhibit 1.

Additional guidance:

- a. Violations of requirements that involve willfulness, actual safety consequences, or are potentially the result of impeding the regulatory process (i.e., traditional enforcement), are documented in accordance with the Enforcement Manual and are reported under the inspectable area in which the violation was discovered.
- b. If a violation is not a performance deficiency, and does not involve willfulness, actual safety consequences, or impeding the regulatory process, then it is documented in accordance with the Enforcement Manual in Section 4OA5 of the inspection report. Do not use the four-part format as described in Section 06.03 of this manual chapter.
- c. If a violation is unrelated to a specific inspectable area, then document the finding in Section 4OA5 of the inspection report.
- d. Individual licensee-identified findings found during drill critiques or other evaluations that may be of some value as a potential future Problem Identification and Resolution (PI&R) inspection sample may be listed as a cross-reference in Section 4OA2 of the inspection report to findings already documented elsewhere. These findings must be greater than minor.
- e. Repetitive occurrences of the same findings should be documented as a NRC-identified PI&R finding in Section 4OA2.
- f. Old design issues that meet documentation screening criteria should be documented under the applicable inspectable area. See Section 06.06 of IMC-0305, “Operating Reactor Assessment Program,” for additional documentation requirements for old design issues.

06.02 Inspection Scope Describe the inspection scope. Do not repeat any portion of the Scope in the Findings section. The scope should include the following:

- a. Identify how the inspection was conducted (i.e., the methods of inspection.) Methods can include a walk-down, an in-office review, observation of test from the control room, discussion with specific personnel, or participation in an exercise.
- b. Identify what was inspected. Include sufficient detail on which and how many samples were inspected. If more than six documents were reviewed, then list the items in an attachment and reference the attachment in the Scope section.
- c. Identify the inspection objectives and the criteria that were used to determine whether the licensee is in compliance.
- d. Include inspection dates to clarify inspection scope context if it helps with understanding the scope. For example, inspection dates may be helpful when discussing event follow-up.
- e. If a substantive portion of the inspection activity was conducted at a location other than the plant, (e.g., an in-office review), then identify where the inspection took place.

06.03 Findings The Findings section of the report is used to document the following:

- NRC-identified or self-revealing findings and violations known to be Green and minor violations that require documentation
- Findings and violations potentially greater than Green (AV)
- Findings and violations greater than Green
- All unresolved items (see section 08.01 for additional guidance)

If no findings or only minor findings that do not require documentation were identified within an inspectable area, then state “No findings of significance were identified” in the Findings section of the report.

Present the findings within each report section in order of importance. USE A FOUR PART FORMAT: an introduction, a description, an analysis, and a discussion of the enforcement related to each of the findings. For unresolved items and AVs, clearly state what is needed to close the issue.

- a. Introduction Begin with one or two sentences that provide the overall “bottom line” results of the inspection in the area. This section does not need to stand alone because the description that follows will provide the supporting details.

The introduction must include a brief summary of the risk characterization, if applicable (i.e., either color or significance) and applicable enforcement or severity level.

- b. Description Describe the performance deficiency that constitutes the basis for the finding. The level of detail in the description should reflect the actual or potential safety consequence associated with a finding. Potentially significant

findings may merit more discussion. Uncomplicated Green findings should be succinctly described in less than one page. Complex Green findings should be described in not more than two pages. More significant findings may need more documentation because of their complexity and significance.

If a finding is likely to have generic concerns, then include details such as the manufacturer's name and model number for components, specifications, and other names and technical data that identify the item of concern.

- c. Analysis Describe the logic used to determine the significance (color) of the finding. However, do not provide every detail of the basis for each assumption. The level of detail must allow a knowledgeable reader to reconstruct the decision logic used to arrive at the final conclusion. Describe why the finding is important. Include a description of any positive licensee performance that mitigated a potential problem and influenced the significance of the finding.

The following is specific guidance on what to include in the Analysis section.

(1) Risk-Informed SDP Results - Results from IMC 0609 Appendices A, F, G, H and K

- (a) If SDP phase one screening assesses the finding as very low safety significance (Green), the analysis should identify:
- the affected cornerstone,
  - the set of conditions that make the finding greater than minor (e.g., the associated cornerstone attribute and how the objective was affected),
  - the assumptions used in the determination, and
  - the phase 1 question that was satisfied that caused the finding to be assessed as Green (e.g., "The loss of function did not exceed the allowed out of service time").
- (b) If the SDP phase one screening results in a phase 2 or 3 evaluation, the analysis should identify:
- the affected cornerstone(s),
  - the set of conditions that make the finding greater than minor,
  - the assumptions used in the determination,
  - the phase 1 criteria that was satisfied that caused the finding to be assessed as Green or above,
  - the most dominant core damage sequences, including the remaining mitigation capability that limited the significance, and
  - the resulting color (Green, TBD, etc.)
- (c) For findings that are greater than Green, the analysis should use the risk characterization as determined by the Significance Determination Enforcement Review Panel (SERP) as its basis and should identify:
- the exposure time
  - recovery credit, and



- all sequences greater than Green.

(2) Non-Risk-Informed SDP Results - Results from IMC 0609 Appendices B, C, D, E, I, and J

The analysis should identify:

- the affected cornerstone,
- the set of conditions that makes the finding greater than minor (e.g., the associated cornerstone attribute and how the objective was affected),
- the SDP used in the determination,
- any assumptions used in the determination,
- the table or flowchart used, and
- a description of the path on the flow chart used to arrive at the conclusion.

EXAMPLE: "Using the Public Radiation Safety SDP, the finding involved radiation material control but transportation was not involved. Public exposure was not greater than .005 rem and there were not more than 5 occurrences. Therefore, the finding is Green."

(3) Non-SDP Findings If a finding is greater than minor and not suited for SDP analysis and a regional management review has determined that it is Green, then the analysis section must describe the basis for the Green significance.

The analysis section should identify:

- the conditions that make the finding greater than minor and
- the set of conditions that would have been needed to make the finding greater than very low safety significance, or an explanation of why the finding is not greater than very low safety significance.

The analysis section should include the following statement: "The finding is not suitable for SDP evaluation, but has been reviewed by NRC management and is determined to be a finding of very low safety significance."

If management review has determined that the finding is potentially greater than Green, then the finding must be reviewed further and the regional enforcement coordinator should be informed. The analysis section should be used to document the circumstances that require further evaluation and should state "The finding is not suitable for SDP evaluation, but is being reviewed by NRC management and coordinated with the Office of Enforcement to identify the significance and appropriate disposition."

Once the finding is finalized and determined to be greater than Green, the inspection report should describe the basis used for determining the significance of the finding.

- (4) Traditional Enforcement If a finding is dispositioned using traditional enforcement, the analysis section should identify:
- the traditional enforcement criteria that were met,
  - the logic on how the severity level was determined, and
  - the results of any SDP evaluation that was performed, if applicable.
- (5) Findings Related to Cross-Cutting Areas The cross-cutting aspect of a finding is not considered a separate cross-cutting finding but rather is documented as a contributing cause of the finding, if applicable. The intent of identifying the cross-cutting aspect of a finding is to ensure it is coded as such in the Plant Issue Matrix (PIM) in order to support the assessment process.

If a finding is evaluated as being more than minor and if the cause(s) of the finding reflects recent performance that is recent (generally, within the previous two years) and is directly related to one of the three cross-cutting areas (Problem Identification and Resolution, Human Performance, or Safety-Conscious Work Environment), then describe the cross-cutting aspect of the finding in the analysis paragraph. Specifically state the relationship between the cross-cutting area and the cause of the finding. Appendix E provides representative examples of cross-cutting aspects.

Inspectors should provide enough information in the inspection report in order to help determine if the cross-cutting aspects have a common performance theme in preparation for enable regional management during the mid-cycle and end-of-cycle assessment reviews. For example, the inspector should provide sufficient detail to determine at a later date whether the cause can be binned as

1) personnel; 2) resources; 3) organization for inspection findings with a human performance whether a common performance theme exists among the causes of selected findings that have cross-cutting aspect or whether the cause can be attributable to 1) identification; 2) evaluation; 3) corrective action for inspection findings with a problem identification and resolution aspects. Specifically, for every finding that has a cross-cutting aspect, inspectors should document the reasons why that cross-cutting aspect is associated with the finding, using language that parallels the descriptions of the cross-cutting area components in IMC 0305, Section 06.07.c. For example:

- (a) “This finding has a cross-cutting aspect in Human Performance because while planning the subject work activity, licensee personnel did not appropriately incorporate the impact of changes on the plant.”
- (b) “This finding has a cross-cutting aspect in Human Performance because licensee personnel did not follow procedures.”
- (c) “This finding has a cross-cutting aspect in Problem Identification and



Resolution because the licensee did not communicate relevant external operating experience to affected internal stakeholders in a timely manner.

(d) “This finding has a cross-cutting aspect in Problem Identification and Resolution because the licensee did not adequately evaluate the identified problem which resulted in corrective actions not addressing the problem..”

(6) Tracking Non-Regulatory Findings If the finding does not involve a violation of regulatory requirements and is Green, add the following sentence to the end of the analysis section:

“Because this finding does not involve a violation of regulatory requirements and has very low safety significance, it is identified as FIN [Tracking Number], Title.”

If the finding is potentially greater than Green, add the following sentence to the end of the analysis section:

“Because this finding does not involve a violation of regulatory requirements and has potentially greater-than-Green safety significance, it is identified as AV [Tracking Number], Title.”

d. Enforcement Findings found or reviewed during inspections that also include violations of regulatory requirements are documented in accordance with the NRC Enforcement Policy (NUREG-1600) and Section 3.12 of the NRC Enforcement Manual. The enforcement discussion and subsequent enforcement action must be consistent with the significance determination.

Do not speculate or reach conclusions about the intent behind a violation. Conclusions about the willfulness of a violation are agency decisions, and are normally not made until after the Office of Investigations (OI) has completed an investigation. A premature or inaccurate discussion of the willfulness of a violation in the inspection report could result in later conflicts based on additional input and review. Inspection reports that include potentially willful violations must be coordinated with OI and the Office of Enforcement (OE).

(1) If there is no violation associated with a finding, the enforcement section of the report should include the following statement: “No violation of regulatory requirements occurred.”

(2) NRC-identified non-cited violations (NCVs) should be considered for cited violations of the original requirement if the licensee failed to restore compliance within a reasonable time after a violation was identified or the licensee did not place the violation into a corrective action program to address recurrence (see Section VI.A.1 of the NRC Enforcement Policy). The cited violation should be identified as having a PI&R cross-cutting aspect.

- (3) If a finding is potentially greater than Green, the Enforcement section must clearly state why the finding does not present an immediate safety concern, and (if appropriate) that licensee compensatory measures are in place while licensee long-term corrective measures are being implemented.
- (4) If a violation is of very low safety significance (Green) or categorized at Severity Level IV and the criteria specified in Section VI.A.1 of the Enforcement Policy and guidance in Section 4.2.1 in the Enforcement Manual does not apply, then the violation may be dispositioned as a NCV. Document it in accordance with the guidance in Sections 3.12.2 and 4.3.2 of the Enforcement Manual.
- (5) Issue a notice of violation (NOV) if a Severity Level IV violation or violation associated with a Green finding meets any one of the criteria in Section VI.A.1 of the Enforcement Policy
- (6) The enforcement section for any described violation must include sufficient information, in combination with other sections, to support the conclusion that the finding is more than minor and is a violation of regulatory requirements. At a minimum the enforcement section should state:
  - what requirement was violated,
  - how the violation occurred,
  - when the violation occurred and how long it existed,
  - when the violation was identified,
  - any actual or potential safety consequence (if not described earlier)
  - the root cause or apparent root cause at the time of report writing (if identified and not described earlier),
  - what immediate corrective actions were taken to restore compliance (if not described earlier) and a reference to the licensee's corrective action document number, and
  - specific enforcement actions (i.e., cited or non-cited) and tracking number resulting from the violation
- (7) AVs that are associated with findings that are either (1) preliminarily determined to have more than very low safety significance (i.e., White, Yellow, or Red), or (2) greater than Severity Level IV in traditional enforcement, should also include the following in the enforcement section if available at the time of documentation:
  - The significance attributed to the finding by the licensee. If the significance is different than that determined by the NRC, then describe the assumptions used by the licensee, and identify what the licensee considered applicable to its determination that the NRC did not consider.
  - The licensee's position on the NRC's determination that a requirement has been violated.

- If appropriate, the section should also identify the licensee's compensatory measures that are in place while the licensee implements its long-term corrective measures.

The significance of the finding is reported as "To Be Determined (TBD)." Emphasize that the safety characterization is not yet finalized.

**CAUTION:** Do not make direct statements regarding safety significance in the inspection report when the agency has not yet reached a conclusion. Conclusions about the significance of findings that are greater than Green and associated violations are agency decisions and are normally not made when the report is issued. A premature or inaccurate discussion of the finding in the inspection report could become inaccurate as a result of subsequent input and review.

**06.04 Tracking** All NRC-identified and self-revealing findings, violations, NRC-identified and self-revealing non-cited violations, AVs, and unresolved items must be assigned a sequential tracking number. See Exhibit 2 for guidance on the type code to be used in the Reactor Protection System (RPS). There must be a one-to-one correlation between the number of item entries in the Reactor Program System (RPS) and the number of NRC-identified and self-revealing findings, violations, NRC-identified and self-revealing non-cited violations, AVs, and unresolved items.

Type code "AV" should be used for an inspection finding which may or may not have regulatory requirements associated with it and is being reviewed by the senior reactor analyst because it may be potentially greater-than-green in risk significance.

#### 0612-07 DOCUMENTING PERFORMANCE INDICATOR VERIFICATION RESULTS

All performance indicator (PI) verification baseline inspections shall be documented under Section 4OA1.

**07.01 Scope** When writing the scope section, include the time period for which the PI data was verified. Include the criteria used to verify the PIs. List the PIs verified and the associated cornerstones. When there are findings to report, list the individual PI scope and findings separately.

**07.02 Findings** When assessing PIs, if the inspector identifies an error that, upon correction by the licensee, resulted in the licensee crossing a PI threshold, the issue needs to be documented in the Findings section. Briefly describe the circumstances surrounding the finding in the write-up. Inaccurate and incomplete PI data violations should be dispositioned in accordance with the guidance in Supplement VII of the Enforcement Policy and Section 7.8 of the Enforcement Manual.

If the inspector disagrees with the licensee's data or the licensee's interpretation of the

reporting guidance, the issue will be resolved using the inspection feedback process or PI frequently asked questions (FAQs) process and should be identified as an unresolved item. The region should contact the Performance Assessment Branch of NRR and submit a feedback form capturing their concerns and perspectives. Upon resolution of all interpretation issues and the FAQ, the issue should be closed in accordance with the closure guidance described in IMC 0608, "Performance Indicator Program."

## 0612-08 DOCUMENTING UNRESOLVED ITEMS

08.01 Opening Unresolved items are identified for tracking purposes and are documented only in the body of the inspection report. Unresolved items are not documented in the summary findings section or on the inspection report cover letter. Refer to section 06.04 for guidance on how to assign a tracking number. The action of documenting an unresolved item is a commitment of future resources, and should only be used when some specific licensee action is pending or when needed information is not available at the time of the inspection.

Initiate an unresolved item when additional information is required to determine if it is acceptable, if it is a finding, or if it constitutes a deviation or violation. An unresolved item should not be opened if the resolution is likely to result in a minor issue. For an unresolved item, the report must identify the specific licensee or NRC actions needed to resolve the issue.

08.02 Follow-up and Closure The level of detail devoted to closing unresolved items depends on the nature and significance of the additional information identified. The closure of an unresolved item must summarize the topic, summarize the inspector's follow-up actions, evaluate the adequacy of any licensee actions, determine if a violation has occurred, and provide enough detail to justify closing the item. If a finding is identified, use the four part format. If multiple unresolved items exist, a summary of the items may be included at the end of the report. Document closure in Section 40A5 or in the inspectable area section.

## 0612-09 DOCUMENTING LERs AND LICENSEE-IDENTIFIED VIOLATIONS

NRC policy requires that all documented non-compliances be dispositioned in accordance with the Enforcement Policy, regardless of who identified them. However, licensee-identified violations that are of very low safety significance and incorporated into the licensee's corrective action program should have minimal documentation. See Section 0612-03 for definitions of "licensee-identified" and "self-revealing."

09.01 Licensee Event Reports (LERs) Document reviews and closures of LERs, including revisions to LERs, in the inspection report under Section 40A3, "Event Follow-up." If inspection in another cornerstone area provides a description of the event in the LER (i.e., personnel performance during non-routine evolutions), then that section of the report should be referenced under Section 40A3 with a very brief description.

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

a. LERs without Violations

- (1) LERs without Findings and with Minor Findings State that the LER was reviewed and that no findings of significance were identified and no violation of NRC requirements occurred.
- (2) LERs with Greater than Minor Findings For NRC-identified or self-revealing findings, the four part format in section 06.03 must be followed if not previously documented. For licensee-identified Green findings, include the safety significance of the event and reference the licensee's corrective action program tracking number. In both cases, include a statement that no violation of NRC requirements occurred.

b. LERs with Violations An LER may describe an issue that appears to be a violation, but does not clearly state that a violation of requirements existed. If the LER states that a violation occurred, or if it is obvious that a violation is involved (e.g., "failure to follow procedures," in the title or body of the LER), then the violation must be identified clearly in the report as a cited violation, non-cited violation or as a minor violation, as appropriate, or warranting enforcement discretion if no performance deficiency occurred.

- (1) LERs with Minor Violations Documenting a minor violation may be warranted as part of closing out a Licensee Event Report. If it is necessary to document a minor violation then only minimal discussion is required. The writeup should state that the issue has been addressed by the licensee and should include the following: "This failure to comply with {requirement} constitutes a violation of minor significance that is not subject to enforcement action in accordance with Section IV of the NRC's enforcement policy."
- (2) LERs with Greater than Minor Violations For NRC-identified or self-revealing violations, the four part format in section 06.03 must be followed if not previously documented. For licensee identified non-cited violations, safety significance and enforcement should be discussed per Section 09.02 of this manual chapter and not in the LER closeout section. A statement, such as "The enforcement aspects of this finding are discussed in Section 4OA7," should be included in the LER closeout section.

09.02 Licensee-Identified Finding

- a. If a licensee-identified finding is a violation, of very low safety significance, and the licensee has correctly evaluated the finding and has developed appropriate



corrective actions, then briefly describe the violation in Section 4OA7. Include the requirement(s) violated, describe how it was violated, identify the licensee's corrective action tracking number(s), and provide a very brief justification why the violation is not greater than Green. A complete reconstruction of the SDP logic is not required. However, Section 4OA7 must include the following introductory paragraph:

“The following violations of very low safety significance (Green) were identified by the licensee and are violations of NRC requirements which meet the criteria of Section VI of the NRC Enforcement Policy, NUREG-1600, for being dispositioned as a Non-Cited Violation.”

- b. If a licensee-identified finding is not a violation, finding is of very low safety significance, and the licensee has correctly evaluated the finding and has developed appropriate corrective actions, then the finding should not be documented in the inspection report.
- c. If a licensee-identified finding is potentially greater-than-green significance then the finding must be analyzed using the SDP, treated as a NRC-identified finding, and documented and dispositioned in accordance with the guidance in the Enforcement Policy and Enforcement Manual.
- d. If a problem exists with the licensee's evaluation or corrective actions associated with the licensee-identified finding and if further inspection added significant value, then document the finding as a NRC-identified finding under the applicable cornerstone section of the report. Documentation should clearly emphasize that the licensee identified the finding but failed to recognize the problem identified by the inspector.

## 0612-10 OTHER GUIDANCE

10.01 Treatment of Third Party Reviews Detailed NRC reviews of Institute of Nuclear Power Operations (INPO) evaluations, accreditation reports, findings, recommendations, and corrective actions, or other third party reviews with similar information are not referenced in NRC inspection reports, tracking tools, or other agency documents unless the issue is of such safety significance that no other reasonable alternative is acceptable. INPO findings, recommendations and associated licensee corrective actions are not normally tracked by the NRC. If a finding warrants tracking, it should be independently evaluated, documented, and tracked as an NRC finding in Section 4OA5.

Include a short statement in the inspection report to document that a review of a specified INPO evaluation or accreditation report was completed. Do not include a recounting or listing of INPO findings or reference a final INPO rating when documenting an INPO evaluation or accreditation report review. Discuss the specifics of any significant differences between NRC and INPO perceptions with regional management.

10.02 Non-Routine Inspections Document in Section 4OA5 inspection results from IMC 2515 Appendix C, temporary instructions (TI's) and other non-routine inspection activities not addressed in this manual chapter.

## 0612-11 COMPILING AN INSPECTION REPORT

11.01 Report Organization Arrange the Report Details in accordance with the standard report outline shown in Exhibit 1. Each outline topic does not have to be covered in each report. When an inspection is performed in a particular area, the resulting details are placed in the corresponding section of the report.

11.02 Plant Status If appropriate, write a Summary of Plant Status section. If used, briefly describe pertinent operational events, such as any plant shutdowns or significant changes in power. This summary is not needed for specialist inspections since plant operating status may not be relevant to a safeguards or emergency preparedness inspection.

11.03 Summary of Findings The summary should be an informative but concise overview of the significant inspection findings contained in the details of the report. It will also be used for entries to the Agency-wide Documents Access and Management System (ADAMS) and the RPS Plant Issues Matrix (PIM).

- a. The first paragraph of the summary of findings section is used to describe the inspection report in ADAMS (title value field in ADAMS).

The paragraph must include the following, in order:

- the inspection report number (See Exhibit 3 for format),
- the dates of the inspection,
- the name of the site, and
- the titles of only the inspection procedures or attachments in which findings were identified (e.g, equipment alignment, fire protection, operability evaluations).

If no findings were identified, the general inspection area should be listed (e.g, radiation specialist report, or resident inspector report, or environmental report).

For non-routine inspections, the same format should be followed to identify the report number, unit names, and dates of inspection. These are followed by the title of the inspection and a list of findings. (See Appendix D for examples.)

- b. Summary Paragraph The summary paragraph follows the ADAMS template paragraph and describes who conducted the inspection (i.e., resident and/or specialist inspectors), the number of findings, and violations.

The summary also includes an explanation that the significance of most findings is indicated by their color (greater than Green, or Green, White, Yellow, Red); that the significance was determined using IMC 0609, "Significance Determination Process" (SDP); and that findings for which the SDP does not

apply may be Green or be assigned a severity level after NRC management review. This explanation is not included if no findings were identified.

- c. List of findings Compile a list of findings by reviewing the details developed for each report section. Write a two paragraph summary for each issue that is designated a finding (FIN), violation (VIO), AVs, or non-cited violation (NCV). The text of the summaries must be consistent with the corresponding details in the inspection report.

Do not document the following in the summary of findings: licensee-identified NCVs; unresolved items; and Green findings associated with LERs.

- (1) **First Paragraph:** Begin the summary for each finding with the significance color. Use TBD for those findings where the significance or severity level has not yet been determined and for findings with a preliminary color greater than Green. Then, describe the finding including any enforcement action, the specific requirement violated, and identification credit for the finding. Include a brief description of the corrective actions completed or planned by the licensee, if applicable. If the planned corrective action is still being evaluated, a sentence stating such is sufficient.

**Second Paragraph:** The second paragraph should briefly summarize the finding's significance from the analysis section. Highlight the cross-cutting aspects of a finding, if appropriate. Each summary must end with a reference to the section of the report in which the finding is discussed.

- (2) Group the findings summaries by cornerstones in the order specified in Exhibit 1.
- (3) If a licensee-identified finding resulted in a violation, include the following boilerplate paragraph as the last paragraph of the summary of findings:

“Violations of very low safety significance, that were identified by the licensee have been reviewed by the inspectors. Corrective actions taken or planned by the licensee have been entered into the licensee’s corrective action program. These violations and corrective action tracking numbers are listed in Section 4OA7 of this report.”

11.04 Cover Page The report cover page gives a succinct summary of information about the inspection. It contains: the docket number(s), license number(s), report number, licensee name, facility name, facility location (city and state), dates of the inspection, names and titles of participating inspectors (and may include names of those inspectors who have achieved basic inspector certification but are not yet fully qualified), and name and title of the approving NRC manager. See Exhibit 3 for format.

The inspection report number is to be identified in the following form as required by IMC 0306:



Docket No./Year [sequential number of the report in that year]  
(e.g., 05000410/2003001)

11.05 Table of Contents If a report is considered complicated or of significant length, then develop a table of contents. If the inspection report, from the Report Details section to the exit interview section, is more than 20 pages long, a table of contents should be considered.

11.06 Exit Meeting Summary Write a brief summary of the exit meeting in Section 4OA6. This information will also be described in the first paragraph of the cover letter. The summary must identify the most senior licensee manager who attended the meeting and must include the following information:

- a. Absence of Proprietary Information At the exit meeting, the inspectors will verify whether the licensee considers any materials provided to or reviewed by the inspectors to be proprietary. If the licensee did not identify any material as proprietary, include a sentence to that effect in the exit meeting summary. See IMC 0620, "Inspection Documents and Records," for actions to take if the report includes proprietary material.

NOTE: When an inspection is likely to involve proprietary information (i.e., given the technical area or other considerations of inspection scope), handling of proprietary information should be discussed at the entrance meeting.

- b. Subsequent Contacts or Changes in NRC Position If the NRC's position on an inspection finding changes after the exit meeting, conduct an additional exit meeting to discuss that change with the licensee. Also, document the additional exit meeting in the inspection report.
- c. Characterization of Licensee Response Do not characterize a licensee's exit meeting response. If the licensee disagrees with an inspection finding, this position may be characterized by the licensee in its formal response to the inspection report, if applicable.
- d. Oral Statements and Regulatory Commitments Do not attempt to characterize or interpret any oral statements the licensee makes, at the exit meeting or at any other time during the inspection, as a commitment. Licensee commitments are documented by licensee correspondence, after which they may be referenced in the inspection report. Oral statements made or endorsed by a member of licensee management authorized to make commitments are not regulatory commitments unless they are documented as such by the licensee. For further guidance on licensee commitments, see ADAMS Accession Nos. ML003680088 (NEI 99-04), ML003680078 (NEI Cover Letter), and ML003679799 (SECY 00-045 endorsing NEI 99-04 guidance).

Because regulatory commitments are a sensitive area, ensure that any reporting of licensee statements are paraphrased accurately and contain appropriate reference to the licensee's document.

11.07 Report Attachments The attachments discussed below are included at the end of the inspection report if applicable to the inspection. The attachments may be combined into a single attachment entitled "Supplementary Information."

- a. Key Points of Contact List, by name and title, those individuals who furnished relevant information or were key points of contact during the inspection (except in cases where there is a need to protect the identity of an individual). The list should not be exhaustive but should identify those individuals who provided information related to developing and understanding findings. The list includes the most senior licensee manager present at the exit meeting and NRC technical personnel who were involved in the inspection if they are not listed as inspectors on the cover page.
- b. List of Items Opened, Closed, and Discussed The report shall include a quick-reference list of items opened and closed, including the item type, the tracking number for the item, and a brief phrase matching the title used in PIM headers describing the item. Open items that were discussed (but not closed) should also be included in this list, along with a reference to the sections in the report in which the items are discussed. NCVs will normally be opened and closed in the initiating inspection report.
- c. List of Documents Reviewed A list of the documents and records reviewed during an inspection must be publicly available. Therefore, include a listing of all the documents and records reviewed during the inspection that are not identified in the body of the report. "Reviewed" in this context means to examine critically or deliberately (See IMC 0620). The list does not include records that were only superficially reviewed. Lists consisting of more than six documents reviewed should be removed from the body of the report and included as an attachment.

Documents and records reviewed for Physical Protection inspection reports will not be made publically available.

- d. List of Acronyms Recommend including a list of acronyms for any report whose Details section exceeds 20 pages. For reports in which a relatively small number of acronyms have been used, the list is optional. The list is also optional if more than 20 pages and the number of acronyms is relatively small. In all cases, however, acronyms should be spelled out when first used in inspection report text.

11.08 Cover Letter Write a cover letter to transmit the overall inspection results and convey the inspection findings to the licensee. Inspection reports are sent from the applicable NRC official (branch chief, division director, or regional administrator) to the designated licensee executive. See the inspection report documentation matrix in Exhibit 2 for what should and should not be documented in the inspection report cover letter. A sample inspection report cover letter can be found in Exhibit 4.

Guidance and cover letter formats for transmitting enforcement actions vary. Guidance and sample cover letters for enforcement-related correspondence are found in the

Enforcement Manual, Appendix B, "Standard Formats for Enforcement Packages."

Cover letter content varies somewhat depending on whether or not the inspection identified findings. In general, however, every cover letter has the same basic structure as follows:

- a. Date The NRC seal and address are at the top of the first page and are followed by the date on which the report cover letter is signed and the report issued.
- b. Enforcement Action If the report contains findings assigned an enforcement action (EA) number, then the EA number should be placed in the upper left-hand corner above the principal addressee's name.
- c. Addressee The name and title of the principal addressee are placed at least four lines below the letterhead, followed by the licensee's name and address.
- d. Subject Line The subject line of the letter should state the plant name and inspection subject (e.g., "XXXXX Generating Station- NRC Integrated Inspection Report") followed by the report number. The information presented in the subject line must be in the following sequence: plant name, type of inspection, report number. Use the official plant name and docket number as described in Section 0612-11.04.

The words "NOTICE OF VIOLATION" ("EXERCISE OF ENFORCEMENT DISCRETION" or "NOTICE OF DEVIATION," etc.) must be included if an enforcement action accompanies the inspection report.

- e. Salutation Ensure that the salutation follows the subject line.
- f. Introductory Paragraphs The first two paragraphs of the cover letter should give a brief introduction, including the type of report (e.g., license renewal report, integrated inspection report) and pertinent dates (i.e., date of final exit meeting with licensee, date NRC was informed of licensee readiness for supplemental inspections, date decision was made that a reactive inspection would be conducted in response to events).
- g. Body The body of the letter should discuss the most important topics first. The following identifies how different types of findings should be reflected in the cover letter to an inspection report.

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IF:	THEN:
If there are no findings identified	Insert a separate paragraph stating:  "On the basis of the results of this inspection, no findings of significance were identified."

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IF:	THEN:
If Green findings are identified	<p>State the number but do not elaborate. Include the following statement:</p> <p>“There were [the number] findings of very low safety significance (Green) identified in the report.”</p>
If Severity Level IV violations or violations associated with Green findings are being dispositioned as NCVs or in NOVs	Document in accordance with the guidance in Appendix B, Form 2 of the Enforcement Manual
If a finding has the <u>potential</u> to be greater than Green in significance	The cover letter should clearly state why the finding does not present an immediate safety concern, and (if appropriate) that licensee compensatory measures are in place while licensee long-term corrective measures are being implemented.
If a finding appears to be greater than Green and if an AV is involved for which a Notice of Violation is being considered	Briefly discuss in the order of significance if more than one finding. The appropriate wording for the findings that are also violations of requirements can be found in the Enforcement Manual.
If a violation appears to be greater than Severity Level IV	Discuss in accordance with the guidance in the Enforcement Manual.

IF:	THEN:
If a violation was identified but was not associated with a performance deficiency	Insert the following paragraph:  "Although this issue constitutes a violation of NRC requirements, we have concluded that (insert name of licensee)'s actions did not contribute to the degraded condition and, thus, no performance deficiency was identified. Based on these facts, I have been authorized, after consultation with the, Director, Office of Enforcement, to exercise enforcement discretion in accordance with Section VII.B.6 of the Enforcement Policy and refrain from issuing enforcement action for the violation. An evaluation was performed and we have determined that this was an issue of very low safety significance (or, alternatively, definition for the corresponding color). (State here if any other known agency action has been or will be taken, e.g., forward to a technical branch, evaluation by the Generic Safety Issue program, consideration of generic communication, Task Interface Agreement, etc.)"

- h. Closing The final paragraph consists of standard legal language that varies depending on whether enforcement action is involved. See the example cover letter in Exhibit 4.

The signature of the appropriate NRC official is followed by the docket number(s), license number(s), enclosures, and distribution list.

## 0612-12 ISSUING INSPECTION REPORTS

### 12.01 Report Timeliness

- a. Most inspection reports, including Special Inspections, should be issued no later than 45 calendar days after inspection completion.
- f. Timeliness goals should be accelerated as necessary for inspection reports covering potential escalated enforcement actions and as specified in Management Directive 8.3 for reactive inspections; (e.g., AITs, and IITs.)

NOTE: For inspections not conducted by a resident inspector, inspection completion is normally defined as the day of the exit meeting. For resident inspector and integrated inspection reports, inspection completion is normally defined as the last day covered by the inspection report.

- c. Whenever an inspection reveals findings of significance (i.e., White or higher) or other significant or immediate public health and safety concern, an expedited inspection report that is limited in scope to the specific findings should be considered.

## 12.02 Release and Disclosure of Inspection Reports

- a. General Public Disclosure and Exemptions Except for report enclosures containing exempt information, all final inspection reports will be disclosed routinely to the public. IMC 0620, "Inspection Documents and Records," gives guidance on acquiring and controlling NRC records, including inspection-related documents. Safeguards information or related sensitive information should not be released per current agency policy. Any questions regarding this policy should be referred to the program office.

Inspection reports for the security cornerstone will not be made publically available. These reports will be controlled as Safeguards Information or exempt under 10 CFR 2.390 based on the level of information contained in them.

- b. Release of Investigation-Related Information When an inspector accompanies an investigator on an investigation, the inspector must not release either the investigation report or his or her individual input to the investigation report. This information is exempt from disclosure by 10 CFR 9.5, and must not be circulated outside the NRC without specific approval of the Chairman (refer to OI Policy Statement 23).

END

### EXHIBITS:

- Exhibit 1: Standard Reactor Inspection Report Outline
- Exhibit 2: Inspection Report Documentation Matrix
- Exhibit 3: Sample Reactor Inspection Report
- Exhibit 4: Sample Cover Letters

### APPENDICES:

- Appendix A: Acronyms Used in Inspection Manual Chapter 0612
- Appendix B: Issue Screening
- Appendix C: Documentation Guidance for Supplemental Inspections
- Appendix D: Sample Biennial Inspection Report for "Identification and Resolution of Problems" Inspection Procedure (IP 71152)
- Appendix E: Examples of Minor Issues and Cross-Cutting Aspects