NRC INSPECTION MANUAL

NMSS/RGB

MANUAL CHAPTER 0610

NUCLEAR MATERIAL SAFETY AND SAFEGUARDS INSPECTION REPORTS

INSPECTION REPORTS

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0610-01 PURPOSE

To provide guidance on inspection report content, format, and style for NMSS inspection reports.

0610-02 OBJECTIVES

To ensure that inspection reports:

02.01 Clearly communicate significant inspection results to licensees, NRC staff, and the public.

02.02 Provide conclusions about the effectiveness of the programs or activities inspected. The depth and scope of the conclusions should be commensurate with the depth and scope of the inspection.

02.03 Provide a basis for enforcement action.

NOTE: NUREG-1600 is the NRC Enforcement Policy. The NRC Enforcement Manual (NUREG/BR-0195) gives specific guidance on addressing noncompliance in inspection reports.

02.04 Assess licensee performance in a periodic, short-term context, and present information in a manner that will be useful to NRC management in developing longer-term, broad assessments of licensee performance.

0610-03 DEFINITIONS

Apparent violation. A potential noncompliance with a regulatory requirement that has not yet been cited as a violation in a Notice of Violation or Order.

Certificate Holder. An entity responsible for meeting certain NRC requirements defined in an NRC-issued Certificate of Compliance (e.g., 10 CFR Part 71 or Part 72).

Conclusion. As used in this chapter, an assessment that relates one or more findings to the broader context of a licensee program.

Deviation. A licensee's failure to satisfy a regulatory commitment.

NOTE: For 10 CFR Part 21 and vendor inspections, the term "deviation" generally refers to the definition given in Part 21 (i.e., "a departure from the technical requirements included in a procurement document").

Draft Inspection Report. Any version of the inspection report before its official issuance.

Escalated Enforcement Action. A Notice of Violation for any Severity Level I, II, or III violation (or problem), or a civil penalty or order based on a violation.

Finding. As used in this chapter, an observation that has been placed in context and assessed for significance.

Inspection. The examination and assessment of any licensee activity to determine its effectiveness, to ensure safety, and/or to determine compliance. A single inspection report may encompass resident inspection, in-office document review, and/or one or more visits by regional or headquarters inspectors; however, a single report is normally limited to a specific period of inspection.

Inspection Document. Any material obtained or developed during an inspection that is considered to be an NRC record (see below).

Integrated Inspection Reports. A fuel facility inspection report that combines inputs from all inspections (resident, regional, etc.) conducted within a specific period.

Licensee. The applicant for or the holder of an NRC license, construction permit, or combined license. The provisions listed as applicable to "licensees" in this chapter are also applicable to vendors and certificate holders.

Minor Violation. A violation that is less significant than a Severity Level IV violation, not the subject of formal enforcement action, and not usually described in inspection reports or inspection records.

Non-Cited Violation (NCV). A violation which satisfies the criteria in the NRC Enforcement Policy that requires the staff to exercise discretion and refrain from issuing a 10 CFR Part 2.201 Notice of Violation.

Noncompliance. A violation, non-cited violation, deviation, or nonconformance.

Nonconformance. A vendor's or certificate holder's failure to meet a contract requirement related to NRC activities, where the NRC has not placed the requirement directly on the vendor or 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 Record. Any written, electronic, or photographic record under legal NRC control that documents the policy or activities of the NRC or an NRC licensee (see also the definition in 10 CFR Part 9).

Observation. A fact; any detail noted during an inspection.

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

Regulatory Commitment. An explicit statement to take a specific action, agreed to or volunteered by a licensee, where the statement has been submitted in writing on the docket to the NRC. This may include a commitment in the licensee's application, a response to a Notice of Violation, etc.

Requirement. A legally binding obligation such as a statute, regulation, license condition, technical specification, or order.

Vendor. A supplier of products or services to be used in an NRC-licensed facility or activity. In some cases, the vendor may be an NRC or Agreement State licensee (e.g., nuclear fuel fabricator, radioactive waste broker) or the vendor's product may be required to have an NRC Certificate of Compliance (e.g., certain transport packages such as spent fuel casks or radiography devices).

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

0610-04 RESPONSIBILITIES

All NRC inspectors are required to prepare inspection reports in accordance with the guidance provided in this Inspection Manual chapter. General and specific responsibilities are listed below.

04.01 General Responsibilities: Each inspection of a licensee, vendor, and certificate holder shall be documented. A narrative inspection report consisting of a cover letter, a

cover page, an executive summary, and inspection details as appropriate is required for escalated enforcement actions. Otherwise, refer to Appendixes A-D for normal NMSS Division-specific reporting requirements.

04.02 Report Writing

a. Inspectors have the primary responsibility for ensuring that observations and findings are accurately reported, that referenced material is correctly characterized, and that the scope and depth of conclusions are adequately supported by documented observations and findings. Advice and recommendations are not to be included in inspection reports.

b. Inspectors are responsible for ensuring that the content and tone of the report, as issued, is consistent with the content and tone of the exit meeting presentation. When the report differs significantly from the exit meeting, the inspector (or the report reviewer) should discuss those differences with the licensee before the report is issued.

c. Report writers and reviewers should ensure that inspection reports follow the general format given in this chapter or the applicable appendix based on the type of inspection.

d. For inspections conducted by regional and resident inspectors, the report numbers should be issued per regional instructions and should be consistent with ADAMS templates.

For inspections conducted by NMSS, the report number is in the following form: Docket No./Year (last two digits)-2 followed by the sequential number of the report in that year. For example, in February 2004 an inspector from the Spent Fuel Project Office completed an inspection of a licensee (Docket No. 07100115). The inspection was the first inspection in calendar year. The inspection report number is 07100115/04-201)

04.03 Report Review and Concurrence

a. Before issuance, each inspection report should, as a minimum, be reviewed by a member of NRC management familiar with NRC requirements in the area inspected.

b. The report reviewer (i.e., the member of management referred to above) should establish that conclusions are logically drawn and sufficiently supported by observations and findings, and that the observations, findings, and conclusions are consistent with NRC policies and requirements.

c. The report reviewer should ensure that assessments made in the inspection report represent the judgment of the issuing organization and established NRC policy rather than solely the personal views of an individual inspector or group of inspectors.

d. Regional Administrators and Office Directors should 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. As a minimum, substantial changes should be discussed with the inspector or inspectors involved to ensure continued concurrence, and disagreements that cannot be adequately resolved should be documented.

04.04 Report Issuance

a. For regional inspection reports, the applicable division director or designated branch chief is responsible for the report content, tone, conclusions, and overall regulatory focus.

b. For headquarters inspection reports, the technical division director or designated branch/section chief is responsible for the report content, tone, conclusions, and overall regulatory focus. Where applicable, headquarters report distribution should be consistent with that of the regions.

04.05 Report Timeliness

a. General Timeliness Guidance. Inspection reports should be issued within time frames set by each NMSS Division or Regional Office. Typically, reports are issued no later than 30 calendar days after inspection completion or 45 calendar days for team inspections.

NOTE: Inspection completion is normally defined as the day of the exit meeting. For integrated or resident inspection reports, inspection completion is normally defined as the last day covered by the inspection report.

b. Reports Preceding Escalated Enforcement Actions. Timeliness goals should be accelerated for inspection reports covering potential escalated enforcement actions. For specific enforcement timeliness goals, see the NRC Enforcement Manual.

c. Expedited Reports for Significant Safety Issues. Whenever an inspector identifies an issue involving significant or immediate public health and safety concerns, the first priority is facility and public safety; issues of documentation or enforcement action are secondary. Based on the circumstances of the case, an expedited inspection report may be prepared that is limited in scope to the issue, or expedited enforcement action may be taken before the inspection report is issued. The NRC Enforcement Manual provides additional guidance on matters of immediate public health and safety concern.

0610-05 GUIDANCE FOR INSPECTION REPORT CONTENT

This section provides general guidance on the contents of an inspection report for NMSS inspections. Appendices A - D contain specific guidance and examples for the preparation of inspection reports based on major materials programs. Appendix E provides Inspection writing style guidance.

The regions and NMSS divisions may prepare additional instructions or guidance on inspection reports based on the specific needs of the programs that they manage. Inspection reports that are prepared by the regions or NMSS divisions should take into consideration the additional specific guidance prepared by their respective organization.

The NRC Inspection Report is the document that states the official Agency position on what was inspected, what the inspectors observed, and what conclusions were reached relating to the inspection.

All enforcement, routine and escalated, and all other Agency actions which may derive out of an inspection (such as Orders) will be based upon the associated inspection report. Inspection reports must be clear, accurate, consistent and complete.

The package created to document an NRC inspection will usually consist of two or three separate documents, as appropriate. In essentially all cases, there will be a cover letter and the inspection report itself. When warranted by the inspection findings, there should also be a Notice of Violation.

The inspection report itself will normally contain a cover page, an executive summary and a set of report details. The report details will typically describe each specific area of inspection activity in three parts: the scope, the observations/findings, and the conclusions.

A cover letter is used to transmit the inspection report results. The cover letter must never contain any significant information, which is not also contained in the executive summary and supported in the report details.

The executive summary section of the inspection report highlights the most significant conclusions. These are usually organized into sections by inspection area, corresponding to the sections of the report. There may be conclusions in the body of the inspection report, which are of minor significance, so it is not necessary that every conclusion in the report details be repeated in the Executive Summary. There should never be any conclusions in the summary, however, which are not clearly and directly derived from the detailed discussion.

Guidance and letter formats for escalated enforcement actions vary. Guidance and sample cover letters are found in the NRC Enforcement Manual, Appendix B, “Standard Formats for Enforcement Packages.”

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

a. Cover Letter Content. Cover letter content varies somewhat depending on whether the inspection identified findings. In general, however, every cover letter has the same basic structure, as follows:

   Addresses, Date, and Salutation. At the top of the first page, the cover letter begins with the NRC seal and address, followed by the date on which the report cover letter is signed and the report issued.

   For cover letters transmitting reports with findings assigned an enforcement action (EA) number, the EA number should be placed in the upper left-hand corner above the principal addressee’s name. Additionally, the Nuclear Materials Events Database (NMED) number should also be included on the document after the EA number.

   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. Note that the salutation is placed after the subject line.

b. Subject Line. The subject line of the letter should state the facility name (if it is not apparent from the Addressee line) and inspection subject. The words "NOTICE OF VIOLATION" (or "NOTICE OF DEVIATION," etc.) should be included if such a notice accompanies the inspection report. The entire subject line should be capitalized.

c. Introductory Paragraphs. The first two paragraphs of the cover letter should give a brief introduction, including the type of inspection report.

d. Body. In keeping with the "Plain English Initiative", which implements the requirements of SECY-99-070, “Implementation Plan for the Public Communications Initiative (DSI-14)," the body of the letter should discuss the most important topics first.”

   The cover letter is written to transmit the inspection report to the licensee’s management, and to deliver the “big picture” message regarding the inspection. Because it is the highest-level document, it does not need to (and normally won’t) detail all the items inspected and the inspection procedures used. It will note the areas covered by the inspection.

The tone of the cover letter must have a correct balance. The NRC focuses on performance issues. If a licensee performed some activity 100 times, and succeeded 99 times, we will be most interested in the single failure. But that does not mean that the cover letter will make it appear that the licensee rarely succeeded. The safety and regulatory significance of any licensee failure will be a primary consideration, above and beyond the numerical frequency of failure compared to success.

The cover letter must always be consistent with the inspection report. In addition, it must be consistent with the information, which the inspector conveyed to licensee managers at the exit meeting. If the inspector's understanding of the facts, or the perspective on the nature or significance of our findings changes after the exit meeting, the NRC shall call the licensee and re-exit. There should never be any surprises in a cover letter to anyone who was present at the exit meeting.

Lastly, the cover letter usually should not contain recommendations. There shouldn't be any statements to the effect, "The licensee needs to...." or, "The licensee should...." If the licensee is not meeting safety or regulatory requirements, the statements should clearly show those facts. If the NRC believes that a licensee cannot ensure the safety of its activities, then an Order or some similar official action may be appropriate. Guiding licensee decision-making through the use a cover letter to an inspection report is not the appropriate method for accomplishing this type of action.

e. Closing. The final paragraph consists of standard legal language that varies depending on whether enforcement action is involved. (Appendices A-D refer to sample letters in ADAMS.)

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

05.02 Notice of Violation. Licensees are officially notified that they have failed to meet regulatory requirements when NRC issues a Notice of Violation (NOV). Appendices A-D refer to samples in ADAMS which contain NOVs. NOVs may be sent to licensees as part of a package of documents which also includes a cover letter and associated inspection report. NOVs may be sent with a cover letter which refers to an inspection report that was distributed previously. An NOV should not be sent to the licensee in advance of the inspection report.

Every NOV must be clear, so that there is little doubt that the licensee (or other interested reader) can understand the basis for the violation. The licensee may not agree with our basis, but they must understand our position.

Every NOV must clearly state what the requirement was that was not met. That may mean that the date and revision number of the applicable document will need to be provided. Then, a clear statement of what happened (including when, if the timing is important) will be provided. The intention is that any interested reader will be able to clearly see and understand what the requirement was and how it was not met. For additional guidance on documenting violations, refer to the NRC Enforcement Manual. The NOV should be an enclosure to the cover letter. Additional guidance on enforcement actions are found in Section 06 of this document.

05.03 Cover Page. The report cover page gives a quick-glance summary of information about the inspection. It contains the docket/certificate number, report number, facility name, dates of inspection, names and titles of participating inspectors, and name and title of the approving NRC manager.

05.04 Executive Summary. The Executive Summary will contain the important conclusions reached by NRC as a result of performing the inspection. The statements provided in this section may duplicate or condense the conclusions provided in the various separate sections of the report details. There should never be anything in the Executive Summary which is new or different from the information provided in the detailed discussion. Not every conclusion contained in the inspection report needs to be repeated in the

Executive Summary, but the important conclusions, which would provide the bases for the results of the inspection stated in the cover letter should be included.

05.05 Table of Contents. For reports that are considered complicated or are of significant length (i.e., the Report Details section to the Exit Interview section is more than 20 pages long), the writer should include a table of contents as an aid to clarity.

05.06 Report Arrangement. The applicable example of report arrangements as shown in Appendices A-D should be used, as appropriate.

05.07 Report Details. The detailed discussion in the report provides the information which forms the bases upon which the other sections of an inspection report are developed. In most cases, the detailed discussion will be organized into one or more sections, each addressing an area of inspection. Each area will in turn be divided into three parts: scope, observations and findings, and conclusions. These are discussed in more detail below. Note that Appendices A-D provide specific guidance for each of the major types of NMSS inspections.

a. Inspection Scope. The "Scope" portion of each area inspected will describe what was inspected. In most cases, the approach that can be used in writing the scope should be consistent with the Inspection Procedure (IP) which was used in performing that portion. Much of the writeup can be extracted from the "Purpose" section(s) of the applicable IP. When describing the Scope, it is acceptable to state either what the inspector(s) did, or what the inspection accomplished. That is, a Scope section could be phrased, "This inspection included a review (or observation, or evaluation, etc.) of...."or it could be written as, "The inspectors reviewed (observed, evaluated) the...." The Scope statements might also describe why certain items were inspected. For example, "...to determine compliance with...."

   The Scope section should not duplicate any portion of the Findings section. Therefore, when findings are identified, much of the required detail listed below should be stated only in the Findings section, resulting in a much shorter Scope section.

   When no findings are identified, the Scope section should, when germane to the inspection, include (1) how the inspection was conducted (i.e., the methods of inspection), (2) what was inspected, (3) approximately when each activity was performed, (4) where the inspection took place (i.e., what room(s) or buildings), as well as, (5) the inspection objectives and/or criteria for determinating whether the licensee is in compliance.

b. Observations and Findings. The observations and findings are the foundation of every inspection report. They derive out of performing inspections according to the applicable IP. There should always be a readily-identifiable connection between the stated Scope and the reported observations and findings. Thus, if the Scope was to review personnel dosimetry records, the observations and findings will not be about packaging and shipping problems.

   Observations and findings will be descriptive, and will be relatively detailed compared to the other parts of the report documentation package. The amount of detail will be as much as is needed to make clear what was found, and whether it was significant. The inspector should say what was observed or found in an unequivocal manner. If an inspector was looking to see if contamination was well controlled - and it was - the report should state: "Contamination was well controlled" not "Contamination appeared to be well controlled." If too small a sample was examined to reach an unequivocal conclusion, the qualifier state what specifically was inspected. For example, the report should state that, "Contamination was well controlled in the areas examined by the inspectors." If the inspector identifies no findings during an inspection (other than minor findings), the report should state "No findings of significance were identified."

Findings that are likely to have generic concerns should 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.

In the case of a finding of a violation, it is critical that enough detailed information be given so that the interested reader can understand what the requirement was, and how it was not met. After the details of what occurred are provided, two specific concluding statements should be constructed. The first statement will define what the requirement was, including the regulation. For example, "10 CFR 20.1801, requires that licensees shall secure from unauthorized access or removal licensed materials that are stored in controlled or unrestricted areas." The second statement will describe (or refer to a preceding description) how the requirement was violated. For example, "Specifically, failure by the licensee to secure the radiographic exposure device (manufacturer model and serial nos.) that contained the sealed source of iridium-192 (manufacturer model and serial nos., activity, and date of activity) in storage, as described above, is considered a violation of 10 CFR 20.1801." Additional actions or responses by the licensee, if any, should be included to fully describe the violation.

If a finding is to be referred to the Office of Investigations (OI), the inspection report should not lead a reader to conclude or infer that an OI investigation is possible. For findings referred to OI, the report should contain only relevant factual information collected during the inspection. The referral to OI is made by correspondence separate from the inspection report and includes any additional information needed to support the referral. One available option is to document only the pertinent facts of the event and open an unresolved item or inspection follow-up item to track the issue until resolved. Any reports containing material that may be related to an ongoing investigation should be reviewed by OI before being issued.

c. Conclusions. The Conclusions are statements describing the quality of licensee performance in the area inspected. The report will discuss whether the licensee succeeded or failed, whether performance was good (or some other descriptor), and whether violations were identified. Every statement in a Conclusion section should have a basis (proof that it is correct) written in the observations and findings.

05.08 Exit Meeting(s) Summary. The final section of each inspection report briefly summarizes the exit meeting(s), which is also described in the first paragraph of the cover letter and identifies the most senior licensee manager who attended the meeting(s), and includes the following information:

a. Absence of Proprietary Information At the exit meeting, the inspectors should verify that information which the inspector reviews during the meeting and intends to include in the report is not proprietary. If the licensee does not identify any material as proprietary, the exit meeting summary should include a sentence to that effect.

Management Directive 12, Security, addresses minimum handling requirements. For current instructions on actions to take if the report includes proprietary material, contact the NMSS security advisor or regional security advisor. The Office of Administration, Division of Facility Services page on the NRC internal web site provides current instructions at http://www.internal.nrc.gov/ADM/DFS/dfs.html.

NOTE: Inspectors should be aware of minimum requirements for handling classified and sensitive-unclassified information (i.e., safeguards information, official use only, and proprietary information). When an inspection is likely to involve proprietary information (i.e., given the technical area or other considerations of inspection scope), how to handle such information should be discussed at the entrance meeting.

b. Subsequent Contacts or Changes in NRC Position. The inspector should briefly discuss any contact with the licensee management after the exit meeting to discuss new information relevant to an inspection finding. In addition, if the NRC's

position on an inspection finding changes after the exit meeting, that change should be discussed with the licensee before the report is issued.

The following information is normally not included in the exit meeting summary.

c. Characterization of Licensee Response. Licensee responses should not be included in the summary except in cases where the licensee disagrees with the inspection findings. In that case, the summary should state that the licensee took exception to the findings.

d. Oral Statements and Regulatory Commitments. If at the exit meeting or at any other time during the inspection, the licensee makes an oral statement that it will take a specific action in response to a non-compliance, the statement may be documented in the body of the report. Details of statements made at the exit meeting should not be included in the exit meeting summary. Such statements should only be characterized in the report if the statements represent licensee commitments in response to a non-compliance in order to eliminate the need for a subsequent licensee response. However, the report cover letter must include a provision for the licensee to respond if the commitment documented in the report does not accurately reflect the licensee's corrective actions or position. Otherwise, licensee commitments are documented by licensee correspondence, after which the inspector may reference the correspondence in the inspection report. For further licensee guidance on managing regulatory 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, the inspector should ensure that any reporting of licensee statements are paraphrased accurately, and contain appropriate reference to any applicable licensee document.

05.09 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. The inspector lists, 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; a list of 5–10 individuals is sufficient. The alphabetized 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 (Optional). The report should include a quick-reference list of items opened and closed. 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.

c. List of Documents Reviewed. A list of the appropriate key documents and records reviewed during an inspection that are significant to any finding, must be publicly available. Therefore, if a list is not otherwise made public, the report should include a listing of all the documents and records reviewed during the inspection that are not identified in the body of the report. (See IMC 0620, "Inspection Documents and Records.)" "Reviewed" in this context means to examine critically or deliberately. The list does not include records that were only superficially reviewed. Lists consisting of more than six condition reports, documents reviewed or procedures, etc., should normally be removed from the body of the report and included as an attachment to facilitate reading.

d. List of Acronyms. Reports whose details section exceeds 20 pages should include a list of acronyms. For reports in which a relatively small number of acronyms have been used, the list is optional. In all cases, however, acronyms should be spelled out when first used in inspection report text.

05.10 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 routinely disclosed to the public. Information that should not appear in an inspection report is described in 10 CFR 2.790 and 9.17. Management Directive 8.8, Management of Allegations, addresses the manner in which an inspection report may be used to document allegation follow up activities. IMC 0620, "Inspection Documents and Records," gives guidance on acquiring and controlling NRC records, including inspection-related documents. Sensitive–unclassified information (i.e., safeguards information, official use only, proprietary information) should not be released as per instructions from the Office of Administration, Division of Facility Security. Refer to http://www.internal.nrc.gov/ADM/DFS/dfs.html for proper handling instructions.

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 9.17, and must not be circulated outside the NRC without specific approval of the OI approving official.

0610-06 SIGNIFICANCE OF OBSERVATIONS

This section discusses the significance of observations including violations, non-compliances and enforcement actions. The guidance provided in this section is for informational purposes. Final agency actions shall be reviewed against the guidance contained in the NRC Enforcement Policy (NUREG-1600) and the NRC Enforcement Manual.

06.01 Thresholds of Significance. When conducting inspections, the NRC inspector only reviews a small number of selected procedures, events, and operations; he or she cannot hope to monitor all the activities in progress, nor to document every minor discrepancy that occurs. As part of maintaining a focus on safety, inspectors continually use NRC requirements, inspection procedures, industry standards, regional and headquarters guidance, and their own training and insight to make judgments about which issues are worth pursuing and which are not.

To communicate effectively, inspection reports must give evidence of that judgment and prioritization, discussing significant safety issues in appropriate detail, treating less significant issues succinctly, and avoiding excess verbiage. To maintain some consistency in how minor issues are treated, report writers must recognize certain "thresholds of significance": that is, they must use similar criteria in deciding whether an issue is important enough to document, important enough to track or follow up, etc.

a. Thresholds of Significance for Noncompliance Issues. The NRC Enforcement Policy acknowledges that some violations of minor safety, environmental, and regulatory concern are below the level of significance of Severity Level (SL) IV violations. Because of their minor nature, these “minor” violations are not the subject of formal enforcement action and are not usually documented in inspection reports.

NOTE: For additional guidance in this area, see the NRC Enforcement Manual at: http://www.nrc.gov/what-we-do/regulatory/enforcement.html. Also Appendix E to Inspection Manual Chapter 0612, Power Reactor Inspection Reports, contains examples of minor issues which are violations of requirements but have insignificant safety or regulatory impact or have no more than minimal risk. The appendix explains how to determine whether or not the issue is minor. Depending on the circumstances of the observations and the judgements of the inspector and their supervisor an issue which is similar to an example in the appendix should be considered to be a minor violation which would not be documented in an NMSS inspection report.

1. Minor Violations--Determining Whether to Document. In general, minor violations should not be documented; however, certain exceptions apply.

Documentation may be necessary as part of the resolution of an allegation. In other cases, while the violation itself is minor, the associated technical information may relate directly to an issue of agency-wide concern (e.g., the inspection was performed in response to an NRC Temporary Instruction (TI)). If, for these reasons or any other reason, the report writers and reviewers wish to document a minor violation, then it should be documented as a minor violation, with a reference to Section IV of the NRC Enforcement Policy. For example, "This failure constitutes a violation of minor significance and is not subject to formal enforcement action."

2. Violations Identified as Part of Licensee Self-Assessments. Under certain circumstances, even a violation that could be classified as SL IV ("more-than-minor") need not be documented. This is generally justified when the violation has been identified and corrected as part of a licensee self-assessment effort. As a matter of policy, NRC enforcement seeks to encourage licensee self-assessment efforts, and seeks to avoid the negative impact that can result from a redundant NRC emphasis on problems which the licensee's responsible action has already identified and corrected.

   For example, suppose that while evaluating the licensee's quality assurance efforts in the fire protection area, an inspector reviews relevant audits and surveillances conducted over the previous year. The review reveals that the audits have been probing and thorough; the findings are well-developed and technically sound, and include six noncompliance issues, four of which might be classified at SL IV.

   In such a case, the inspector should follow up on the non-compliances and other audit findings to ensure that root causes have been appropriately assessed, that appropriate and comprehensive corrective actions have been taken, and that no new examples of the violations exist. Provided, however, that no new problems are revealed by this follow-up, the inspector is normally not expected to cite the four violations individually, nor to report the details of those violations in the inspection report. Instead, the NRC report findings and conclusions should assess the adequacy of the licensee's quality assurance efforts, including a clear reference to the name, dates, and general subject matter of the audit or self-assessment.

NOTE: This expectation only applies to SL IV violations. Even when identified through a licensee self-assessment, violations that could be categorized at SL III or above must be documented in the inspection report and given appropriate follow-up.

In some instances, reasons exist to document one or more of the violations found in a licensee audit or self-assessment. For example, if the report concludes that the licensee's self-assessment was especially negative, one or more examples should be given to support that conclusion.

In addition, the inspector may decide to document one or more of the violations found in a licensee self-assessment due to the technical significance or generic implications of the particular item. Technical details surrounding the violation may provide useful insight on equipment or system reliability, or on some aspect of human performance. In some cases, the inspector may decide to pursue additional follow-up of a particular licensee finding because of related licensee problems, previous NRC observations or violations involving the same or a related topic, or emerging agency or industry sensitivity in the given technical area.

If, for any of these reasons, the inspector decides to discuss in the inspection report a particular licensee self-assessment finding or audit finding, and that finding involves a violation, then the violation must be clearly dispositioned in the report. The violation may be dispositioned as a non-cited violation (NCV) unless any one of the circumstances listed in Section VI.A.8 of the NRC Enforcement Policy results in an NOV requiring a formal written response from the licensee. If the issue represents a minor violation, it

should be documented as follows: "This failure is considered a minor violation and should not be documented in an NMSS inspection report."

Note, finally, that the discussion in this subsection applies to violations identified through licensee audits and self-assessments (i.e., cases in which the NRC's inspection is focused on the licensee's quality assurance efforts), and should not be applied to all licensee-identified violations. When the inspector pursues an issue as part of day-to-day licensee observation or other normal inspection activities, the decision on whether to document the issue should be based on its significance. Unless the inspection is specifically focused on licensee auditing and self-assessment capability, violations of more-than-minor significance should be documented and dispositioned, regardless of whether they are NRC- or licensee-identified.

NOTE: The NRC Enforcement Manual, Section IV provides additional guidance on documenting and dispositioning violations.

b. Thresholds of Significance for Non-Enforcement-Related Issues. Inspectors must also make judgments about the relative significance of non-enforcement-related findings. As with enforcement issues, the judgment of individual inspectors will differ; questions on the relative significance of an issue should be discussed with other inspectors and with NRC managers.

1. Determining the Significance of Negative Findings. The following questions should be used to determine whether or not a finding should be documented in the inspection report:

- Does this finding have any actual impact (or any significant potential for impact) on safety?
- Is this finding illustrative of a programmatic licensee problem that could have a safety or regulatory impact?
- Does this finding provide insights on an equipment, system, or human performance problem?
- Could this finding be viewed as the possible precursor to a significant event?
- If the licensee takes no action on this matter, will the condition worsen (i.e., will the safety significance increase)?
- If this finding recurs, will its recurrence result in more significant or additional safety concerns?
- Will this information be useful in assessing the long-term performance of this licensee program or functional area?
- Does this finding have generic significance?

If the answer to any one of these questions is "yes," the finding should be documented in the inspection report. If the answers to all questions are "no," the finding normally should not be documented.

2. Determining the Significance of Neutral or Positive Findings. For neutral or positive findings or for licensee improvements, similar thresholds of significance should apply. The inspector should ask questions similar to those below:

- Does this licensee improvement have an actual positive impact (or a significant potential for positive impact) on safety?
- Will the licensee's efforts to effect change in this area be likely to result in programmatic improvements to safety or regulatory performance?
- Will this upgrade be likely to result in improved equipment or system reliability or improved human performance? Does this information provide useful equipment, system, or human performance insights?
- Does this licensee action significantly reduce the probability of a particular event?
- Will this information be useful in assessing the long-term performance of this licensee program or functional area?

- Does this finding have generic significance?

If the answer to any one of these questions is "yes," the finding should be documented in the inspection report. If the answers to all questions are "no," the finding normally should not be documented.

NOTE: Inspectors should use care in giving credit or making strong positive statements for a proposed licensee action that has not yet been implemented, is in early stages of implementation, or has not been verified by the NRC.

3. Findings Previously Covered in Licensee Self-Assessments. This decision should be treated similarly to the corresponding decision for enforcement issues. In general, little benefit exists in NRC's re-emphasis of issues already covered in licensee self-assessments, unless there is some problem with the licensee's actions.

In some instances, however, the technical significance or generic implications of an issue merit ensuring that it is discussed on the docket and preserved as a matter of public record. If the licensee self-assessment that initially discussed the issue is already on the docket, the inspection report may simply refer to the discussion in the licensee self-assessment. If more detail is needed, or if the licensee self-assessment is not on the docket, the inspector may wish to discuss the issue in the inspection report narrative.

06.02 Documenting Noncompliance. The primary guidance for all matters related to enforcement, including documentation, is given in the NRC Enforcement Policy (NUREG-1600), and the NRC Enforcement Manual (NUREG/BR-0195). The following discussion summarizes certain aspects of that guidance related to inspection reports.

a. Types of Noncompliance. The manner of documenting a noncompliance in the inspection report depends on how that noncompliance will be dispositioned. A noncompliance may be addressed as a non-escalated enforcement action (i.e., an SL IV violation, a deviation, or a nonconformance); as an escalated enforcement action (i.e., an apparent SL I, II, or III violation); or as an NCV.

Note that a noncompliance may not be documented simply as a "weakness," "licensee failure," or a similar informal characterization. If the report narrative describes a condition or event in a manner that suggests to the reader that a violation may have occurred, then the finding must be clearly dispositioned as a violation, an apparent violation, or an NCV. If a violation does not exist (e.g., no requirement exists in this area), it may be appropriate to clarify the finding by stating that "this condition [or event] does not constitute a violation of NRC requirements."

1. Non-Escalated Enforcement Actions. Most violations of moderate significance (i.e., more than minor concerns) fall into the SL IV category. If at the time of issuing the inspection report a violation has been categorized at SL IV, then an NOV is generally sent out with the inspection report, as a "non-escalated" enforcement action. The cover letter for reports that include non-escalated enforcement actions should follow the appropriate NRC Enforcement Manual guidance.

NOTE: A violation's severity level should not be discussed in the report details. Whether an NOV accompanies the report or is issued later, the designation of severity level is made in the NOV itself.

Deviations and nonconformances are also considered non-escalated enforcement actions. When a licensee fails to meet a regulatory commitment or to conform to the provisions of an applicable code or industry standard, the failure may result in a Notice of Deviation. When a vendor or certificate holder fails to meet a contract requirement related to NRC

activities, the failure may result in a Notice of Nonconformance. While less frequently issued than SL IV NOVs, these non-escalated enforcement actions follow a similar format and require a similar level of report detail.

2. Potential Escalated Enforcement Actions. When an issue is being considered for escalated enforcement action, the inspection report narrative should refer to the potential noncompliance as an "apparent violation." The report details should not include any speculation on the severity level of such violations nor on expected NRC enforcement sanctions. Potential escalated actions, by their nature, require further agency deliberation (and, usually, additional licensee input) to determine the appropriate severity level and NRC action.

   Similarly, report narratives that discuss apparent violations should be carefully constructed to avoid making explicit conclusions (i.e., final judgments) about the safety significance of the issue. The report should include any available details that demonstrate safety significance, or that would help in making such a decision and should also describe any corrective actions taken or planned by the licensee. However, since a potential escalated enforcement action automatically entails further evaluative steps, neither the inspection report details nor the accompanying cover letter should present a final judgment on the issue.

3. Non-Cited Violations. Section VI.A.8 of the NRC Enforcement Policy lists circumstances that result in consideration of an NOV requiring a formal written response from a licensee. When this enforcement discretion is applied, the report should briefly describe the circumstances of the violation, briefly describe the licensee's corrective actions, and conclude with the following boilerplate statement: "This non-repetitive, licensee-identified and corrected violation is being treated as a Non-Cited Violation, consistent with Section VI.A.8 of the NRC Enforcement Policy."

   In addition, the Enforcement Policy also provides that willful SL IV violations may be dispositioned as NCVs provided that they meet the four criteria outlined in Section VI.A.8.d of the Policy. In these cases, the inspection report should include additional discussion to address this before providing the standard conclusive language. For example: "Although this violation is willful, it was brought to the NRC's attention by the licensee, it involved isolated acts of a low-level individual without management involvement, and the violation was not caused by a lack of management oversight, and it was addressed by appropriate remedial action. Therefore, this non-repetitive, licensee-identified and corrected violation is being treated as a Non-Cited Violation, consistent with Section VI.A.8 of the NRC Enforcement Policy."

4. Minor Violations. Minor violations should not normally be documented in inspection reports. However, to the extent that documentation is necessary, the standard language should be used: "This failure constitutes a violation of minor significance and is not subject to formal enforcement action."

5. Enforcement Discretion. There are various subsections under the Enforcement Policy in Section VII.B 2-6 where discretion is exercised and formal citations are not issued. The approval of the Director, Office of Enforcement, in consultation with the Deputy Executive Director as warranted, is required for exercising discretion of the type described in Section VII.B 2-6. Where discretion is being reviewed for a violation that meets the criteria of Section VII.B.2-6 of the Enforcement Policy, the subject report should state: "Discretion is being exercised after consultation with the Office of Enforcement pursuant to Section VII.B of the Enforcement Policy and a violation is not being issued."

b. Supporting Details and Discussions of Safety Significance. The discussion of noncompliance issues must be sufficiently detailed to substantiate any NRC safety

and regulatory concerns and to support any enforcement sanction the NRC may choose to issue. At a minimum, for a violation, the report should state:

- what requirement was violated;
- how the violation occurred;
- when the violation occurred, and how long it existed;
- who identified it, and when;
- any actual or potential safety consequence;
- the root cause (if identified);
- whether the violation appears isolated or programmatic; and
- what corrective actions have been taken or planned
- who was involved with the violation (i.e., management involvement or low-level individual).

The degree of detail necessary to support an enforcement action is a function of the significance and complexity of the noncompliance.

Although supporting details clearly assist in determining the safety significance of the noncompliance, inspectors should be cautious in making direct statements regarding safety significance in the inspection report details. Violation severity levels, as described in the NRC Enforcement Policy, are based on the degree of safety significance involved. In assessing the significance of a noncompliance, the NRC considers four specific issues: (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. As a result, if an inspection report refers to a noncompliance as being "of low safety significance" (meaning, in a general sense, that the noncompliance did not result in any actual adverse impact on equipment or personnel), the writer may have inadvertently made it difficult for the NRC to subsequently decide that the potential for an adverse impact or the regulatory significance of the noncompliance warrants issuance of a SL III violation. Therefore, before characterizing a violation as being of "low safety significance," the inspector should also address the potential consequences and regulatory consequences of the violation in addition to the absence of an actual adverse consequence.

c. Noncompliance Involving Willfulness. Inspection reports should neither speculate nor reach conclusions about the intent behind a violation, such as whether it was deliberate, willful, or due to careless disregard. As with any observation, the report discussion should include relevant details on the circumstances of the violation without making a conclusion about the intent of the violator:

EXAMPLE: "The radiographer failed to activate his alarming ratemeter, although he had informed the inspectors earlier that he had been properly trained on the use of the device;" not, "The radiographer deliberately failed to activate his alarming ratemeter."

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

0610-07 RELEASE AND DISCLOSURE OF INSPECTION REPORTS AND ASSOCIATED DOCUMENTS

07.01 General Public Disclosure and Exemptions. Except for report enclosures containing exempt information, all final inspection reports will be routinely disclosed to the public. Information that should not appear in an inspection report is described in 10 CFR

2.790 and 9.17. Management Directive 8.8, Management of Allegations, addresses the manner in which an inspection report may be used to document allegation follow up activities. IMC 0620, "Inspection Documents and Records," provides guidance on acquisition and control of NRC records, including inspection-related documents.

07.02 Release of Investigation-Related Information

a. When an inspector accompanies an investigator on an investigation, the inspector shall not release either the investigation report nor his or her individual input on the investigation report. This information is exempt from disclosure as provided by 10 CFR 9.17, subject to determination by OI. OI reports of investigations will not be circulated outside NRC without specific approval of the OI approving official.

b. Generally, NRC technical and safety concerns can be communicated to a licensee without revealing that an investigation is contemplated or underway. However, when information cannot be released without risk of compromising an investigation, the regional administrator (RA) will inform the OI Field Office Director, in advance, that safety concerns require releasing to the licensee information related to an open investigation. The OI Field Office Director will review the information to be released and advise the RA of the anticipated effect on the course of the investigation. The RA will release the information only after determining that the safety concerns are significant enough to justify the risk of compromising the pending investigation and any potential subsequent regulatory action.

   Conversely, when the RA decides, after consultation with the OI Field Office Director, to delay informing the licensee of an issue, the RA should document this decision, including the basis of determining that the delay is consistent with public health and safety considerations. Any such decision should be reexamined every three months to assure validity of the delay to inform the licensee about the technical and safety concerns until the investigation is closed.

c. When an emergency or significant safety or security issue appears to require immediate action, NRC employees, at their discretion, may discuss with, show to, or provide the licensee any pertinent material they believe the circumstances warrant. If time permits, regional management should be consulted first. An emergency situation meeting this criteria is one in which, in the opinion of the senior NRC employee cognizant of the situation, a present danger to public health or safety or to the common defense and security requires the release of investigative information to a licensee without the delay necessary to consult with appropriate OI personnel.

d. If an issue disclosed during an inspection is to be referred to OI for possible investigative action, the inspection report should not contain information that would lead a reader to conclude or infer that an investigation may be opened. In this case, the report should contain only relevant factual information collected during the inspection. The referral to OI should be made by separate correspondence, with any additional information needed to support the referral.

END

Attachments:

Appendices A - E

APPENDIX A

GUIDANCE FOR INSPECTION REPORTS RELATED TO INDEPENDENT SPENT FUEL STORAGE AND TRANSPORTATION

PURPOSE

This appendix provides guidance for inspectors in the Spent Fuel Project Office (SFPO) and the regions on reporting inspection results to licensees or certificate holders (vendors). SFPO generally conducts two types of inspections; those related to radioactive material transport governed by 10 CFR Part 71, and those related to independent spent fuel storage installations (ISFSIs) governed by 10 CFR Part 72. The regions also perform inspections at ISFSI's.

Inspection findings may be documented in one of two methods as controlled by Manual Chapter (MC) 2690. One method is to use the modified Form 591 (modified to reflect the range of groups inspected, i.e. certificate holders and licensees) and the other method is to generate a narrative written report.

With regard to inspections related to an ISFSI, the following Inspection procedures should be used as appropriate:

IP 60851 Design Control of ISFSI Components
IP 60852 ISFSI Component Fabrication by Outside Fabricators
IP 60853 On site Fabrication of Components and Construction of an ISFSI
IP 60854 Pre-operational testing of an ISFSI
IP 60855 Operation of an ISFSI
IP 60856 Review of 10 CFR 72.212(b) Evaluations
IP 60857 Review of 10 CFR 72.48 Evaluations

With regard to inspection related to transportation packagings, IP 86001, "Design, Fabrication, Testing, and Maintenance of Transportation Packagings," should be used as appropriate.

FORMAT AND STYLE

When issuing a Form 591, MC 2690 is the governing document for this process. While MC 2690 provides guidance on when a narrative written report can or should be issued, Sections 05 and 06 of this MC (0610) shall be followed with respect to report format, content, and any required enforcement action.

EXAMPLES

Specific examples of SFPO inspection reports can be found in NRC's ADAMs document control system in package ML032680534.

The examples in that ADAMS package include: a) Form 591 with attached inspector notes for a Part 72 vendor's fabricator inspection; b) a complex narrative inspection report (programmatic issues and enforcement action) for a Part 72 vendor; and c) a narrative report for inspection of a Part 71 QA program holder.

For the narrative reports, it should be noted that while the examples provided do not exactly conform to the revised 0610 guidance with respect to format, the cover letters and report details exemplify the typical writing style and level of detail acceptable to SFPO management for narrative reports.

APPENDIX B

GUIDANCE FOR MATERIALS INSPECTION REPORTS

PURPOSE

This appendix provides information regarding the preparation of materials inspection reports. IMC 2800, Materials Inspection Program, contains administrative procedures . Section 2800-08, Documentation of Inspection Results, addresses occasions for narrative inspection reports which should be prepared according to the instructions in IMC 0610. Most generally, an inspection record (NRC Form 591 M) will be completed instead of a narrative inspection report for a routine inspection, except as follows.

A narrative report is required for all team inspections (i.e., involving three or more inspectors or a member with special competence from Headquarters or another regional office or an agency outside NRC other than a State's agency) and actions involving an enforcement conference or escalated enforcement. For escalated cases, the narrative report need address only the areas in which safety concerns and violations are identified (all other areas may be documented using Enclosure 9 of IMC 2800). For medical events, the narrative report must follow the guidance in Management Directive 8.10. Narrative inspection reports may be used to document other types of inspections at the discretion of regional management.

FORMAT, STYLE, AND EXAMPLES

The ADAMS Package ML032681141 contains: (1) an annotated NRC Form 591M, (2) an annotated inspection report (IR), and (3) an index of sample IRs.

The annotated NRC Form 591 M consists of Part I, Part II, and Part III and instructions to complete the form. Electronic versions of the form are available from InForms or IMC 2800 (Enclosure 8) which is in the NRC Inspection Manual on the NRC external web site and the NRC internal web site. The external site provides a pdf.version of the form and the internal site provides a wpd.version of the form. Each region has a supply of the paper, multipart version of Parts I and II of the form. To replenish the supply, contact the Inspection Guidance Coordinator in NMSS/IMNS/RGB.

The Annotated Materials Inspection Report is a single file that describes the actual inspection of a gauge licensee but specific references to the licensee were removed. The file contains the letter of transmittal and enclosures 1 through 4 as follows: (1) Notice of Violation, (2) Inspection Report, (3) Factual Summary from the OI Report, and (4) Pre-Decisional Enforcement Conference Agenda. The ***bold or italicized*** comments explain the features of an IR and the <u>underlined</u> text indicates specific information to be provided by the inspector.

The Index of Sample Inspection Reports is a single file to assist inspectors in locating a particular type of IR. The index lists information about the IRs, i.e., Type of Use, Sample Type (e.g., Unsecured Gauge at Temporary Job Site), ADAMS ML No., Date, EA No. The samples demonstrate the IR format and style to be used by inspectors. The font face and size should be Ariel 11 for IRs. The samples illustrate how to use the standardized IR outline and how to adhere to the expected internal organization for each report section (as discussed in IMC 0610). Although the sample IRs do not include an example for each type of use of byproduct material, the sample IRs do include sufficient examples to illustrate the various ways that inspection findings would be normally documented in an IR. Inspectors who desire to provide an updated IR for the index should, through their supervisor, contact the Project Manager, NMSS Manual Chapters and Inspection Procedures, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

APPENDIX C

GUIDANCE FOR FUEL CYCLE INSPECTION REPORTS

GENERAL PURPOSE

This appendix provides guidance for inspectors of fuel cycle facilities on reporting inspection results to the licensee or certificate holder. It recommends how to format and structure the inspection reports. Flexibility is provided in adapting the inspection report format to the needs of the particular inspection. Changes to the recommended format may be authorized by inspection management through the issuance and use of approved branch procedures.

CONTENT

Flexibility is also provided in this area, because of the many disciplines covered by fuel cycle inspections. The level of detail desired in inspection reports is illustrated in report examples that are available in the ADAMS package referenced at the end of this appendix. Because fuel cycle inspections cover a variety of disciplines, the report writer is advised to follow the example of a report from the particular discipline or a similar discipline. Some inspection disciplines call for more detailed descriptions than others. In general, provide enough detail that the report will be understandable and also useful in the subsequent inspection. Violations of minor significance are generally not included in inspection reports that are subject to public disclosure.

FORMAT AND STYLE

01 Elements

Fuel cycle inspection reports include the following elements, arranged in the order listed:

Cover Letter
Notice of Violation (if applicable)
Cover Page
Executive Summary
Report Details
Exit Meeting Summary
Partial List of Key Licensee Personnel Contacted
List of Inspection Procedures Used
Summary of Items Opened, Closed and Discussed

02 Report Details

Report Details should be structured in terms of the programmatic area inspected. The outline form used is the standard NRC report format, namely, 1, 2 ,3, etc.; then a, b, c, etc.; then (1), (2), (3), etc.

Section 1 may be a programmatic area or a general statement, such as, **Summary of Plant Status**. If Section 1 is a general statement, it may include an overarching statement of the scope on the inspection. For team inspections and inspections by the resident inspector, Section 1 is generally an introductory paragraph covering topics such as background, an overview of the inspection, and/or a summary of inspection observations.

For programmatic areas, the number of the applicable inspection procedure should be included; for example, **Transportation (IP 86740)** or **Physical Inventory (IP 85404)**. Each programmatic area section should cover one procedure (or possibly two overlapping procedures). Each section should be divided into two parts, namely **Scope and Observations** and **Conclusions**. Scope and Observations should consist of paragraphs that describe the scope of the inspection followed by observations and findings within the defined scope of that paragraph. The section ends with a stated conclusion based on the

inspector's observations. The Executive Summary should repeat the conclusions in the Report Details or should include an equivalent statement. If a notice of violation is issued, the violation should be mentioned in the Conclusion and the Executive Summary.

Activities observed, documents reviewed, personnel interviews, and measurements (both independent measurements and confirmatory measurements) made by the inspector during the course of the inspection, which are significant, should be described in the applicable section of the Report Details.

The final section of the Report Details should cover the **Exit Meeting**.

The examples of fuel cycle inspection reports provided in ADAMS show the desired structure and recommended level of detail.

03 Style and Acronyms

Refer to guidance as shown in Appendix E of this document.

04 Enforcement Actions

When the inspection results in enforcement action, refer to the NRC Enforcement Manual on the NRC web-site at http://www.nrc.gov/what-we-do/regulatory/enforcement.html. Standard format for Cover Letters and Notices of Violation are provided on the web-site. A discussion of enforcement actions can be found in 0610-06.

RELEASE AND DISCLOSURE

In general, the entire inspection report is made available to the public. However, information in inspection reports concerning a licensee's physical protection, classified matter protection, or material control and accounting program, which is not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data, is withheld from public disclosure under 10 CFR 2.790(d). The cover letters are public, but the reports are not.

EXAMPLES

Examples of fuel cycle inspection reports can be found in the ADAMS package ML032681177. This ADAMS package provides report examples for disciplines such as plant operations, criticality safety, material control and accounting, and emergency preparedness, as well as a resident inspector report.

APPENDIX D

GUIDANCE FOR DECOMMISSIONING INSPECTIONS

PURPOSE

The purpose of this appendix is to provide guidance on the preparation of inspection reports for decommissioning inspections. There are two distinct types of Decommissioning Inspections that are performed. The first type is a materials site decommissioning inspection. The second type of decommissioning inspections is a permanently shutdown reactor inspection. The following provides guidance for each of these inspection types.

FORMAT AND STYLE FOR MATERIALS SITE DECOMMISSIONING INSPECTIONS

For decommissioning in progress, inspectors should use NRC Form 591 (Safety Inspection Report and Compliance Inspection) with appropriate comments on Part 3. If surveys are done and data is transmitted to the licensee, a letter report is sent. The format of the letter report is:

COVER LETTER

COVER PAGE

EXECUTIVE SUMMARY

REPORT DETAILS

PARTIAL LIST OF PERSONS CONTACTED

INSPECTION PROCEDURES USED

ITEMS OPEN, CLOSED, AND DISCUSSED

LIST OF ACRONYMS USED

The Report Details section follows the format Inspection Scope, Observations and Findings, and Conclusions. Details on the content of these sections can be found in 0610-05.

FORMAT AND STYLE FOR PERMANENTLY SHUTDOWN REACTOR INSPECTIONS

The inspection report for a permanently shutdown reactor inspection should include the same items as the reports for Decommissioning inspections stated above.

The REPORT DETAILS section for an inspection report for a decommissioning inspection for a Permanently Shutdown Reactor should include the following: All of the reporting topics follow the format Inspection Scope, Observations and Findings, and Conclusions. Guidance on developing the other sections of the report can be found in 0610-05.

SUMMARY OF FACILITY STATUS AT PERMANENTLY SHUTDOWN REACTOR

Briefly describe the status of the facility and work completed since the previous inspection.

1.0 Facilities Management and Control

1.1 Safety Reviews, Design Changes, and Modifications

The purpose of this portion of the report is to document whether design changes, test, experiments, and modifications were effectively reviewed, conducted, managed, and controlled during plant decommissioning and the program is in conformance with 10 CFR 50.59 requirements.

1.2 Spent Fuel Safety

The results of the inspection should document the safe wet storage of spent fuel including pool siphon and drain protection; pool instrumentation, alarms, and leakage protection; pool chemistry and cleanliness control; pool support equipment operation; and power supplies. The permanently defueled technical specifications provide the safety limits, limiting conditions of operation, and surveillance requirements for the spent fuel pool.

1.3 Cold Weather Preparations

Report on licensee's actions to effectively protect safety-related systems against extreme cold weather.

1.4 Safeguards Program Implementation

Document the effectiveness of the security plans.

2.0 Decommissioning Performance and Status Review

Describe the status of decommissioning and report whether the licensee and its contracted workforce are conducting decommissioning activities in accordance with license and regulatory requirements.

2.1 Inspection of Final Surveys

Describe licensee activities associated with the final status survey to determine compliance with the Decommissioning Plan and License Termination Plan requirements. Discuss if confirmatory surveys were conducted to verify the adequacy and accuracy of the licensee's final status surveys.

3.0 Radioactive Waste Management

3.1 ISFSI Construction and Component Fabrication

This section of the report should document whether ISFSI dry cask storage system components were fabricated and installed in compliance with regulatory and technical requirements.

3.2 Effluent and Environmental Monitoring

Discuss the licensee's radioactive liquid and gaseous effluent programs to ensure that the licensee effectively controlled, monitored, and quantified releases of radioactive materials in liquid and gaseous forms to the environment.

3.3 Transportation of Radioactive Materials

This section of the report should document whether transportation activities are being conducted in compliance with applicable NRC and U.S. Department of Transportation regulations.

4.0 Follow-up

Report on how the inspector conducted a review of Inspection Follow-up Items and Unresolved Items.

5.0 Exit Meeting Summary

Discuss how the inspection results were presented to members of licensee management at the exit meeting. The licensee should identify any proprietary information provided to, or reviewed by, the inspector.

EXAMPLES

Examples of specific inspection reports can be found in ADAMS package ML 032681179. This package contains examples of decommissioning inspections of permanently shutdown power reactors.

APPENDIX E

INSPECTION REPORT WRITING STYLE GUIDANCE

The Inspection Report Writing Guide consists of "how to" instructions and information, arranged in alphabetical order for quick reference. These instructions are primarily derived from the NRC Editorial Style Guide and the Handbook of Technical Writing.

ABBREVIATIONS AND SYMBOLS

Chapter 9 of the *GPO Style Manual* is a good reference for standard letter symbols for units of measure. In addition, standard symbols apply for units of radiation.

EXAMPLE:	bp	boiling point	CiCurie(s)
	kV	kilovolt	mCimilliCurie
	MW	megawatt	μCimicroCurie

In technical text, use abbreviations for units of measure only if they are used with figures.

EXAMPLE: 200 r/min (but--The text should tell us the number of revolutions per minute.)

ACRONYMS AND INITIALISMS

An acronym is an abbreviation that is formed by combining the first letter or letters of several words. Acronyms are pronounced as words and are written without periods.

EXAMPLE: Independent spent fuel storage installation (ISFSI); pronounced "is-fa-see"

An initialism is an abbreviation that is formed by combining the initial letter of each word in a multiword term. Initialisms are pronounced as separate letters.

EXAMPLE: Nuclear Regulatory Commission (NRC)

Limit the of acronyms and initialisms to those cases where not using them would lead to a distracting repetitiveness of phrasing. Sentence should not be begun with an acronym or initialism.

When you use an acronym always use capital letters without periods. Initialisms may be written in either upper case or lower case. Generally, do not use periods when they are upper case, but use periods when they are in lower case. Two exceptions are geographical names and academic degrees.

Treat the inspection report as three separate documents: the cover letter, the notice of violation, and the body of the report (this includes the executive summary). Avoid using acronyms or initialisms in the cover letter or the executive summary as much as possible. The first time an acronym or initialism appears in any document, write the complete term, followed by the abbreviated form in parentheses. An acronym or initialism should not be used in a title line within the report. When an acronym or initialism is first used in the text (below the title line), define it at that time and then use the acronym.

The plural for most acronyms and initialisms adds a lower case "s" without an apostrophe.

EXAMPLE: RSOs
GLs

To decide whether "a" or "an" should precede an acronym or initialism, pronounce the first letter or syllable of the abbreviation.

EXAMPLE: an NRC inspector (N is a vowel sound)
a GL (G is a consonant sound)

The acronym list at the end of the inspection report should be titled “Acronyms and Initialisms.” No list is needed if the report is short and contained relatively few acronyms.

ACTIVE VOICE

Use the active voice for most of your inspection report writing.

EXAMPLE: Active Voice - The inspector surveyed the laboratory. The inspector interviewed and questioned the staff.

Passive Voice - The laboratory was surveyed by the inspector. It was evaluated by interviewing and questioning of the staff by the inspector.

Active voice provides information more simply and clearly. As a general rule, simple declarative sentences are best.

AFFECT/EFFECT

Affect is a verb that means “influence”.

EXAMPLE: The NRC’s decision concerning control rod placement affects all utilities.

Effect can function either as a verb that means “bring about” or “cause” or as a noun that means “result.” It is best to avoid using *effect* as a verb. Use a less formal word, like *made*.

CHANGE: The inspector effected several report changes that had a good effect.

TO: The inspector made several report changes that had a good effect.

APOSTROPHES

The apostrophe (‘) is used to show possession and to mark the omission of letters.

EXAMPLE: The inspectors’ (possession) comments were very appropriate for that situation.

It’s (omission of letters) my belief that the laboratory technician was performing his job correctly.

BRACKETS

The bracket symbol is used to insert comments or corrections in quoted material.

EXAMPLE: The *GPO [Government Printing Office] Style Manual* is an excellent reference tool.

CAPITALIZATION

General rule: Use capitalization in report writing to emphasize a specific, important word. These words are important to the message of the report. Limit your capitalization to important words only.

Use the lower case for most terms (systems, components, etc), but capitalize anything that directly refers to a specific item (except page and paragraph).

EXAMPLES: Train A ..... disabled one train of ... disabled Train A of ...
Chapter 3 ..... reviewed the chapter on ... reviewed Chapter 3...
Appendix B
Plant 1

Capitalize specific titles of persons or organizations, but not general references to them. (However, do not capitalize the many common job titles at a large facility; for example, health physicist, reactor operator, plant superintendent.)

EXAMPLE: Director, Office of Personnel (but--the office director)

Capitalize the following governmental organizations.

Federal
Federal Government
State (but--Do not capitalize local.)

Capitalize the first word and all important words in titles of publications and legislation.

EXAMPLE: The Paperwork Reduction Act of 1982.

Do not capitalize articles, prepositions (except for “To” as part of an infinitive), and conjunctions unless they are the first word of a title or important to its meaning.

Capitalize when referencing a violation, unresolved item, or inspector follow-up item that is used to reference a tracking number in the body of the inspection report.

EXAMPLE: as a Violation of License Condition D.5 (70-0xx/2001-xxx).

Capitalize a trade name.

EXAMPLE: Xerox
Halogen

COLONS

Use a colon (:) after a complete clause to introduce a list, whether or not the list is within a sentence.

EXAMPLE: The test measures these three areas: management motives, management strengths, and styles of leadership.

Capitalize the first word of each item in a list that follows a colon or a dash (use a colon following a complete statement and a dash following a phrase). Use a semicolon after each item in a list and a conjunction after the next-to-last item in the list unless each item in the list is a complete sentence.

EXAMPLE: To renew your license you must complete the following:
(1) Complete and sign Form 61;
(2) Copy the original form; and
(3) Return the original to Personnel.

Everyone must –

(1) Complete and sign Form 61;
(2) Copy the original form; and
(3) Return the original to Personnel

COMMAS

Use a comma after each member of a series of three or more words, letters, figures, phrases, or clauses. Change the usual commas in a series to semi-colons if commas are prevalent within the elements of the series.

EXAMPLE: In addition, the NRC may, after assessing a situation, order a licensee to continue, curtail, or modify activities; ensure compliance with safety and emergency procedures; and maintain records of these mandatory actions.

Use a comma after an introductory phrase of five or more words.

EXAMPLE: After reviewing the notes of the supporting specialist inspector, the team leader had a clearer understanding of the message.

Use a comma before and after an explanatory equivalent of another word or phrase.

EXAMPLE: Todd Brewer, President of FFUS, met with the Commissioner.

Use a comma before and after the State when citing the city and State in text.

EXAMPLE: The meeting is in Chicago, Illinois, on April 5 at 3:00 p.m.

Do not use a comma between the State and the ZIP Code in an address.

EXAMPLE: Bethesda, MD 20014

Use the following format when referring to a title or portion of a title of the *Code of Federal Regulations*.

EXAMPLE: 10 CFR Part 20, Appendix B, or
Appendix B to 10 CFR Part 20

Use a comma between independent clauses that are linked by a coordinating conjunction (*and,but, or, nor*, and sometimes *so, yet, and for*). The comma precedes the conjunction.

EXAMPLE: The inspectors were diligent about keeping their schedules consistent with demand, but this month travel constraints have been a problem.

Omit commas when the word or phrase does not interrupt the continuity of thought.

EXAMPLE: I therefore suggest that we begin the inspection.

Conjunctive adverbs (*however, nevertheless, consequently, for example, on the other hand*) joining independent clauses are preceded by a semicolon and followed by a comma.

EXAMPLE: Your idea is good; however, your format is poor.

A comma always goes inside quotation marks.

COMPOUND WORDS

Compound words are words formed when two or more words act together.

Write compounds as two words when the compounds appear with the words in their customary order and when the meaning is clear.

EXAMPLE: test case
sick leave

Most words with short prefixes are not true compounds. Such words are usually written without a space or a hyphen.

EXAMPLE: biweekly
Foretell
Semiannual

Hyphenate compounds that modify or describe other words.

EXAMPLE: rear-engine bracket

Compounds used as verbs require separate words.

EXAMPLE: to follow up
to shut down
to shut off
to stand by
to start up
to take off

DATES

When specifying dates in the body of the inspection report, avoid using the year when the date is clearly within the inspection period.

CHANGE: .....was noted on January 10, 2002.
TO: .....was noted on January 10.

Use a comma before and after the year in a three-element date written in the order of month, day, and year. Do not use a comma in a two-element date.

EXAMPLE: On February 26, 1992, the questions concerning nuclear waste were addressed in Pittsburgh.

On March 4 the inspector toured the facilities described as licensed locations of use.

USE of "e.g." and "i.e."

These abbreviations are from the Latin and they do not save enough space to justify possible misunderstanding. Avoid *e.g.* and *i.e.* in your writing.

FONT

The default font for an inspection reports is Arial 12. Do not use other fonts. If you are building a report from a source document which is in another font, change it to Arial 12.

HYPHENS

Avoid the use of double hyphenated words.

Chapters 6 and 7 of the *GPO Style Manual* present guidance for compounding words and a list of words indicating whether to use them open, solid, or hyphenated.

Compound terms that modify nouns are called unit modifiers. Those that precede nouns are typically hyphenated. Those that follow the nouns they modify are typically not hyphenated.

EXAMPLE: An NRC-sponsored study (but--a study sponsored by NRC)

Use a hyphen between the modifier and present participle.

EXAMPLE: far-reaching effects
hard-working staff

Use a hyphen between the modifier and past participle.

EXAMPLE: safety-related valves
well-defined goals

Do not hyphenate a modifier ending in *ly.*

EXAMPLE: poorly managed facility

Put a hyphen after suspended modifiers.

EXAMPLE: industry- and agency-sponsored studies
long- and short-term goals

Hyphenate unit modifiers that include numbers.

EXAMPLE: 18-inch pipe
three-shift operation

Generally, do not hyphenate prefixes unless “Spell check” flags the word as misspelled.

EXAMPLE: counterblow should be counter-blow
midpoint
nonperson
progovernment

INSURE/ENSURE/ASSURE

Insure, *ensure*, and *assure* all mean “make secure or certain.” *Assure* refers to persons, and it alone has the connotation of setting a person’s mind at rest (for instance, I assure you that the unit will be up and running by tomorrow.) *Ensure* and *insure* also mean “make secure from harm” (for instance, the environment needs to be clear of smoke to ensure that visibility is good.) Only *insure* is widely used in the sense of guaranteeing the value of life or property, (for instance, the licensee should insure the property.)

ITALICS

Italicize the titles of books, periodicals, newspapers, movies, and paintings.

Titles of chapters or articles within publications and titles of reports are placed in quotation marks, not italicized.

“Clarity, the Technical Writer’s Tightrope” was an article in *Technical Communications.*

NOTICE OF VIOLATION GUIDANCE

A considerable array of enforcement guidance material has been issued. This material should **[enter name of documents to be referenced for enforcement]** be used as a primary guide for enforcement documentation.

For each violation written there should be a "contrary to" statement. In the past, violations with numerous examples have had a "contrary to" statement to coincide with each example listed. There should only be one "contrary to" statement per violation, not one for every example, as follows.

1. License Condition No. x.x required.....

    a. Your letter to NRC dated xx-xx required.....

    b. The Radiation Protection Plan, Section x.x, required.....

    c. Procedure No. xx, "Radiological Surveys" required.....

    Contrary to the above,

        a.1. On December 1, 2001, ...

        b.1. On December 1, 2001,.....

        c.1. On December 3, 2001,.....

    This is a Severity Level XX violation (Supplement X).

NUMBERS

Spell out numbers one through nine.

Use figures for a single number of 10 or more.

Spell out a number that begins a sentence.

When two or more related numbers appear in a sentence and one of them is 10 or more, use a figure for each number.

Use figures to express a unit of measurement, time or money. This usage does not affect other numerical expressions in a sentence.

EXAMPLE: 2 Curies
15 Roentgen
3:45 p.m.

An ordinal number expresses degree or sequence. Apply the general rules for numbers in this section to ordinal numbers.

EXAMPLE: The third quarter earnings indicated an increase in sales.
The 22nd and 23rd years of plant operation were the most productive.
On the 27th of March (not March 27th)

When two numbers appear in sequence, use a figure for one and spell out the other.

EXAMPLE: The inspector examined ten 12-inch pipes.

Spell out a fraction standing alone; a fraction followed by *of, a, or, an;* and a fraction approximation.

EXAMPLE: The water on three-fourths of the site was contaminated.

Use figures for a fraction in a unit modifier.

EXAMPLE: ½-inch width

Use figures when combining whole numbers and fractions.

EXAMPLE: 2 ½ inches wide

Use figures for all decimals.

EXAMPLE: 1.2 gallons

For quantities of less than one, use a zero before the decimal point.

EXAMPLE: 0.04 mrem per hour

OBJECTIVITY

Avoid "preaching" in an inspection report. Preaching is personal. When writing an inspection report avoid wit, irony, sarcasm and personal comments.

PARENTHESES

Parentheses () are used to enclose words, phrases, or sentences. The material within parentheses can add clarity to a statement without altering its meaning.

EXAMPLE: Aluminum is extracted from its ore (called bauxite) in three stages.

PERCENT

The word "percent" is used instead of the symbol (%) except in tables.

PRONOUNS

Avoid the vague use of pronouns.

CHANGE: This is something to consider.
TO: This shortfall in payments is something to consider.

CHANGE: It was a good choice.
TO: Deciding to bring the unit offline was a good choice.

CHANGE: Those were issues.
TO: Housekeeping and maintenance items were issues.

CHANGE: These are difficult.
TO: The exercises are difficult.

QUOTATION MARKS

Commas and periods always go inside the quotation mark (." ,"). Semicolons and Colons always go outside the quotation mark ("; ":).

SEMICOLONS

Use a semicolon (;) to separate closely related or contrasting statements.

EXAMPLE: He agrees; I do not.

UNITS OF MEASURE

The inspection report should follow the standard NRC policy which is SI units followed by the equivalent special units in parentheses.

EXAMPLE: 2 sieverts (200 rems)

VERB TENSE

Reports should be written in the past tense. You inspected before the report was written. You are describing what you did and what you found. It is permissible to use the present tense if it is clearly accurate to describe what not only was but still is, especially If the use of past tense diminishes the impact of any conclusion we had or have in the subject area.

VOCABULARY

Use plain language. The purpose of the inspection report is to report facts and the interpretation of those facts. Most of the time, simpler language is better.
For example, the word “about” is usually a better choice than “approximately.”

Eliminate unnecessary words.

The following are examples of the many redundant words that are used in writing. The redundant expression appears in the left column; the right column provides simpler language.

absolutely essential	essential
assembled together	assembled
basic fundamentals	fundamentals
collect together	collect
continue on	continue

Avoid wordy phrases.

The following are a few examples of commonly used wordy phrases. The wordy phrase appears in the left column; the right column provides simpler language.

a large number of	many
a majority of	most
at that time	then
at the conclusion of	after
detailed information	details
in few cases	seldom
in the event of	if
prior to	before

WORD USAGE

To indicate a requirement in a rule, use *shall* with a person or organization and *must* with an inanimate subject. To indicate a prohibition, use *may not*.

EXAMPLE: The licensee shall record the data in a log.

The data must include the date and purpose of the visit and the visitor's name and affiliation.

The visitor may not enter any high-radiation area.

Always use the plural word *inspectors* unless only one inspector was responsible for the entire inspection period. This is a team effort.

When referring to an inspection report number in the body of a report use the complete title.

EXAMPLE: ....was referenced in Inspection Report 0300123/2002-002.

Appendix F

LIST OF ACRONYMS USED IN THIS INSPECTION MANUAL CHAPTER

CFR	Code of Federal Regulations
EA	Escalated Action
GPO	Government Printing Office
IMC	Inspection Manual Chapter
IPAP	Integrated Performance Assessment Process
MD	Management Directive
NCV	Non-Cited Violation
NMSS	Office of Nuclear Material Safety and Safeguards
NOV	Notice of Violation
NRC	Nuclear Regulatory Commission
OE	Office of Enforcement
OI	Office of Investigations
PIPB	Inspection Program Branch
RA	Regional Administrator
SI	International System of Units
TI	Temporary Instruction