

## APPENDIX B ISSUE SCREENING

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## Introduction & Limitations

The evaluation of construction inspection results begins with screening to determine if an ISSUE OF CONCERN (IOC) warrants INVESTIGATION by the Office of Investigation (OI), then proceeds to determine if it will be further evaluated and documented for consideration in the Periodic Assessment of Construction Inspection Program Results. IOCs warranting documentation are evaluated to ensure significant inspection results are clearly communicated in a consistent manner and to support documenting the bases for significance determination and enforcement action.

Use Figures 1, 2, and 3, and additional guidance, as appropriate, to screen each Construction Reactor Oversight Process (cROP) inspection-developed IOC. The guidance in this appendix is not all-inclusive. It must be used in conjunction with additional guidance documents, including but not limited to Inspection Manual Chapters 2519P, 2506, 2505P, and 0613P, Inspection Procedures, the Enforcement Policy, its Supplements, the Enforcement Manual, and Enforcement Guidance Memoranda, as appropriate.

A measure of subjectivity in issue screening is anticipated and accepted as no completely objective or mechanistic process has been identified that can satisfy the objectives of the cROP. Screeners, whether inspectors, staff, or managers, should be guided by a clear understanding of each screening objective, as discussed below and in applicable guidance documents, as discussed above. Screeners should also consider past experience, precedent, the over-arching regulatory message intended, and the consequence of the screening determination on the objectives of the specific screening step and on the cROP in general. Finally, screeners should ensure that all screening determinations are in alignment with the agency's mission and values.

Contentious screening determinations should be escalated to regional management and/or the inspection program office. Staff members should provide specific issues and suggested enhancements to issue screening or any aspect of the cROP by submitting a NRO/DCIP IMC/IP Revision Request form. See the NRO/DCIP IMC/IP Revision Request Database Instruction Manual for additional information on the cROP Feedback Process.

The issue screening guidance in this appendix is but one element of the agency's broader mission and authority to regulate commercial nuclear power. The Commission may grant enforcement discretion. Enforcement discretion is routinely documented in Enforcement Guidance Memoranda. On occasion, an EGM may impact cROP implementation, including issue screening. This appendix must be considered and implemented in the context of the agency's hierarchy of document authorities. As such, it may be amended or superseded by higher authority.

## Integration of TRADITIONAL ENFORCEMENT

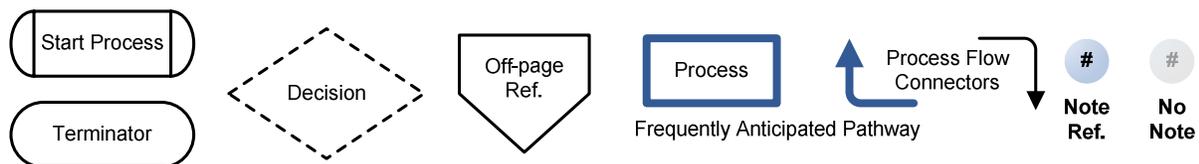
IMC 0613P, Appendix B implements an integrated approach to screening and dispositioning cROP IOCs and potential violations warranting traditional enforcement (TE). It separates the investigation and/or disposition of each TE violation from the screening and disposition of its underlying cROP IOC while assuring appropriate coordination between the two activities. Because the TE violation is separated from the underlying finding and is not assigned a cROP color, it does not influence cROP Assessment. The finding, when present, will be dispositioned independently of the violation. It will be considered, as appropriate, in cROP Assessment.

Each IOC associated with a potential TE violation is screened (ignoring the potential TE violation) to determine if it independently constitutes a finding (i.e., a performance deficiency (PD) that is more-than-minor). The decision to continue cROP screening in parallel with a willfulness investigation is coordinated between key regional and headquarters stakeholders to assure that it does not inadvertently compromise the investigation.

Each cROP finding is evaluated for significance (i.e. color) in accordance with the construction significance determination process (SDP). However, unlike the determination of TE violation SL (which is informed by the associated cROP finding color), the cROP color is determined independently whenever possible (without consideration of the associated TE violation SL).

### General Notes, Legend, and User Aids

Figures 1, 2, and 3 are comprised of flow diagram logic blocks, process flow connectors, and reference numbers. Five logic block shapes are used. These shapes and their logical functions are illustrated below along with process flow connectors containing arrows illustrating the direction of logic flow and process queues such as the use of **bold borders** to denote more frequently anticipated pathways and dashed lines to denote steps requiring enhanced coordination:



On occasion, logic block outputs split into multiple pathways. In other instances, a logic block may be entered via more than one pathway. This is a consequence of integrating TE into the cROP. All logical pathways must be pursued and are accompanied by notes to draw the reader's attention.

All logic blocks are accompanied by unique note reference numbers that, in many instances, correlate to more detailed guidance in the body of this appendix. This guidance may stand alone; it may paraphrase another document, or, if deemed appropriate to avoid unnecessary duplication, may simply refer the reader to the applicable guidance document.

## Figure 1 Overview

All screening begins at Figure 1, Block 1. Any IOC warranting closer review for a potential willful violation will be examined by an allegation review board (ARB). Those IOCs determined not to warrant further review by the ARB will transition promptly to Figure 2.

When convened, the ARB, in cooperation with OI, will determine either (a) that an investigation is not warranted (e.g. No willfulness) which will cause the IOC to transition directly to Figure 2, or (b) that a willfulness investigation is warranted. Each IOC warranting a willfulness investigation triggers a deliberative process involving key stakeholders to determine whether cROP screening of the underlying PD may proceed without compromising the investigation. The decision to proceed with cROP screening constitutes a cROP PD presumption.

If, however, the IOC cannot be dispositioned without unacceptably compromising the investigation, it is held at Figure 1 until the investigation is sufficiently complete. Once permitted to proceed, the PD (minus the willful violation) is screened to determine whether it constitutes a cROP finding. Each cROP finding underlying a willfulness violation transitions to Figure 3.

If willfulness is confirmed, the associated TE violation is dispositioned in accordance with the Enforcement Policy, as informed by the significance of any underlying finding. The absence of an underlying cROP finding will inform, but will not preclude, dispositioning or documenting the willful violation.

If the investigation does not confirm willfulness, both the presumed PD and any associated non-willful violation will transition, together, to Figure 2.

## Figure 2 Overview

If willfulness is determined in Figure 1, then Figure 2 is bypassed. All Figure 2 screening originates from Figure 1 following the determination of “No willfulness.” If not already accomplished in Figure 1, the IOC is screened in Figure 2 to determine if it involves a PD. Each PD is screened to determine both (a) if it involves a violation that (i) contributed to actual safety consequences, or (ii) impacted the regulatory process (e.g. if it involves a non-willful TE violation), and (b) if the PD is more-than-minor (e.g. a cROP finding).

Each TE violation is separated from its underlying PD and dispositioned in accordance with the Enforcement Policy, as informed by the significance of any underlying finding. The absence of a cROP finding will inform, but will not preclude, dispositioning nor documenting the TE violation.

Each cROP PD (minus any TE violation) is screened to determine whether it constitutes a cROP finding. Each cROP finding is screened to determine if it involves a non-TE violation. Each finding identified in Figure 2, regardless of its association with a TE- or non-TE violation, transitions to Figure 3.

Non-findings do not transition to Figure 3. Each Non-finding violation that is more-than-minor is dispositioned in accordance with the Enforcement Policy to determine whether

it will be documented as an NOV, NCV, or granted enforcement discretion. Figure 2 provides additional guidance for dispositioning an IOC that requires additional information in order to (a) determine if a PD exists, (b) if the PD is more-than-minor, or (c) if it involves a violation.

### **Figure 3 Overview**

Figure 3 receives and dispositions findings from Figures 1 and 2. It directs the screening of each finding to identify which is potentially greater than green. Alternately, each green finding is screened to determine which is licensee-identified. Each licensee identified green finding is screened to determine if it was correctly addressed through the licensee's corrective action process.

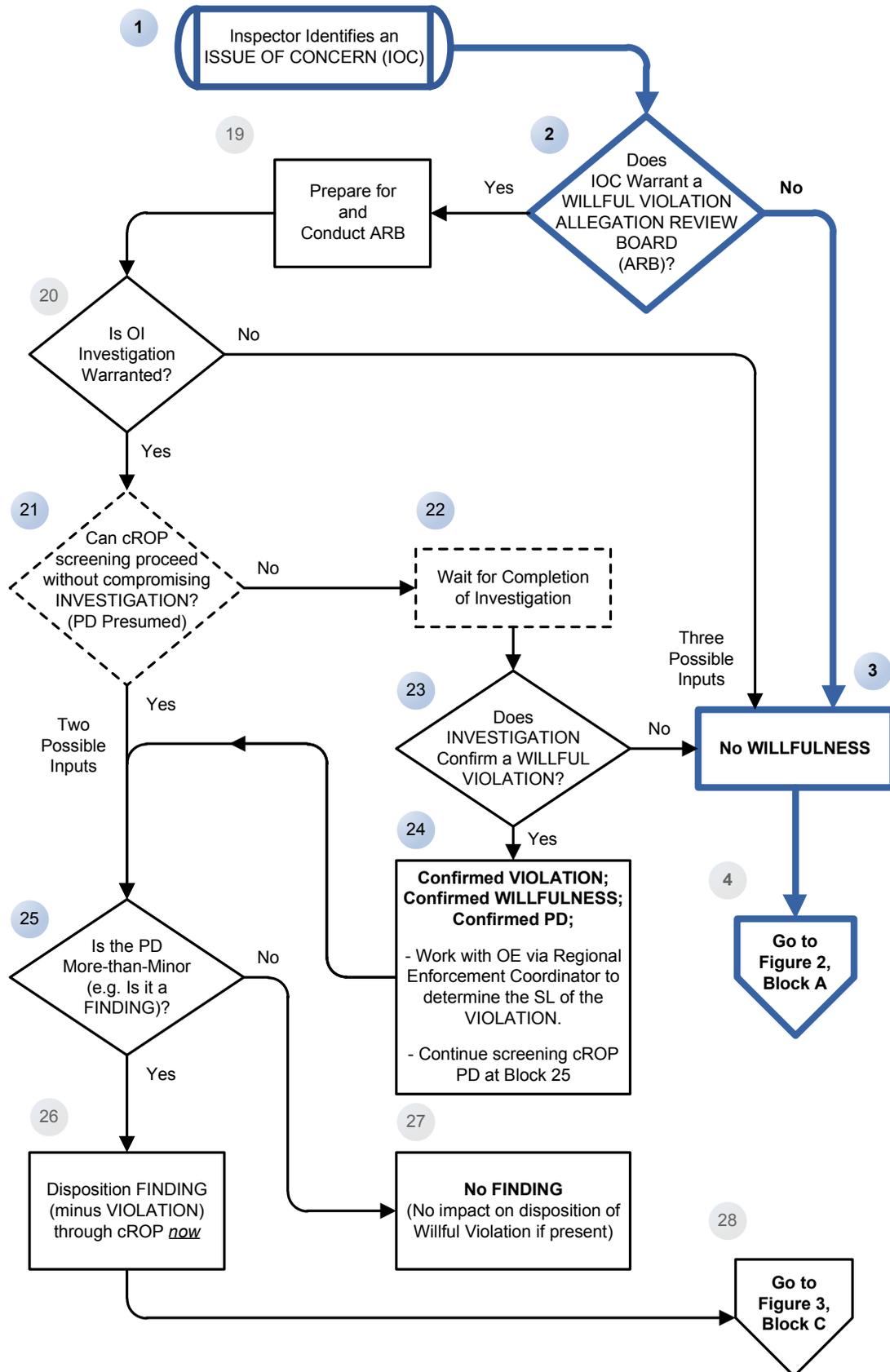
Each finding that is (a) not licensee-identified and properly addressed by the licensee's corrective action program (CAP), or (b) confirmed to be greater than green, is screened to identify cross-cutting aspects (CCAs), if present, and then fully documented.

Each potential CCA that is reflective of present performance constitutes a CCA. Each CCA identified through this process is documented with its associated finding.

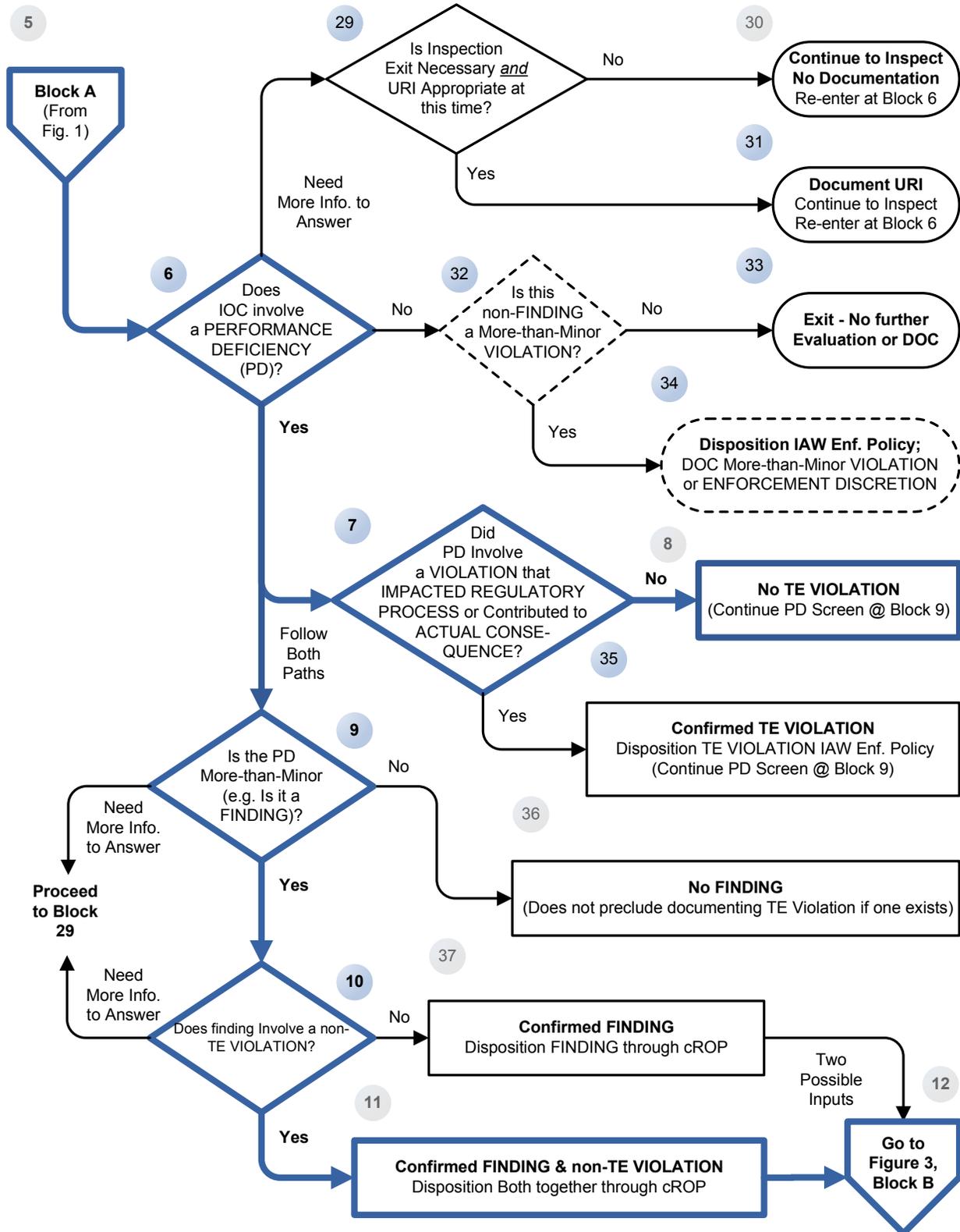
Each finding that is (a) is licensee-identified, (b) is adequately addressed by the licensee's corrective action process, (c) is green, and (d) involves a violation, will receive abbreviated documentation in 4OA7 of the inspection report. In general, findings meeting conditions (a) through (c) but which do not involve violations will not be documented.

Figure 3 also addresses conditions that occasionally warrant documenting an interim determination of finding to-be-determined (FIN-TBD) and apparent violation (AV).

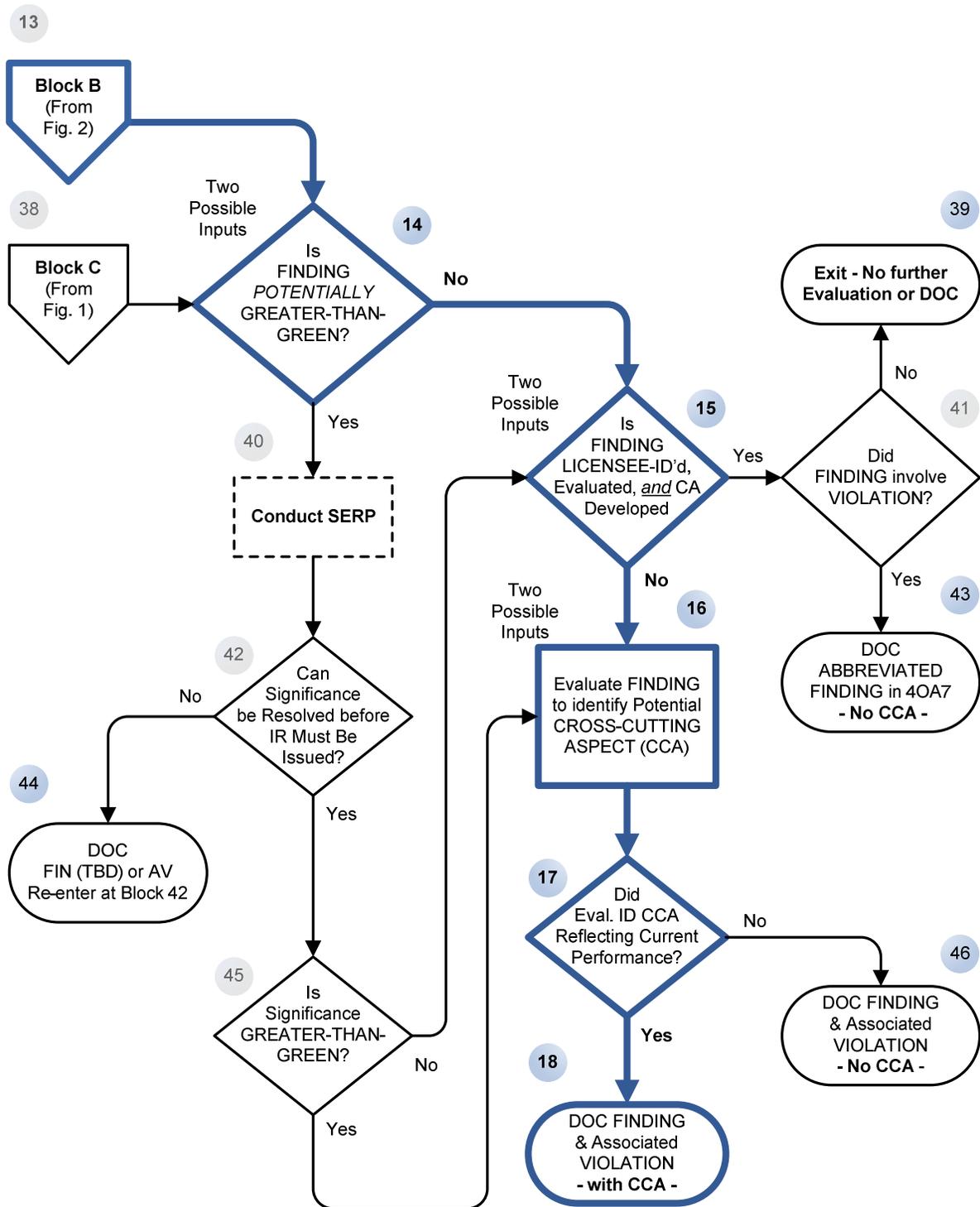
**Figure 1: Screen Issue of Concern for Willfulness; Coordinate Accordingly**



**Figure 2: TE Screen for Regulatory Process Impact or Actual Consequence; cROP Screen – Is Issue of Concern a Performance Deficiency, More-than-Minor, a Violation, a Non-Finding Violation, or otherwise**



**Figure 3: Determine Significance, Evaluate for CCA, and Whether to Document an Abbreviated Finding**



## Additional Guidance to Clarify Figures

The following additional guidance is intended to further clarify the application of Figures 1 through 3 in the cROP screening process. The guidance is arranged by reference number, figure order. Guidance for each logic block is preceded by the applicable reference number, figure number, and the logic block, itself, as shown in its associated Figure. Additional guidance associated with blocks considered to be self-explanatory is omitted to streamline Appendix B and to reduce unnecessary bulk, thus some blocks are not addressed below.

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### Block 1, Figure 1

1. As defined in IMC 2506, Section 2506-04 "DEFINITIONS," an IOC is a well-defined observation or collection of observations that is of concern and may or may not involve a PD. IOCs are routinely identified during cROP inspection activities. Development and dispositioning of IOCs occurs as part of the cROP inspection sampling process and the IMC 0613P, Appendix B issue screening process.
2. All IOCs enter the issue screening process at Block 1 to ensure that every IOC is screened for potential willfulness.
3. For IOCs with multiple examples, each example should be screened separately. Guidance for documenting findings with multiple examples is provided in IMC 0613P Section 0613P-08 'THE FOUR PART FORMAT.'



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### Block 2, Figure 1

The inspector and regional management, in referring an IOC to a willful violation allegation review board (ARB), are effectively making two decisions: (a) Does this IOC involve a violation and (b) is there a sufficient basis to convene the ARB.

Although inspectors screen IOCs for indications of potentially willful violations, the determination of willfulness is a legal decision that can only be made by the Office of General Council (OGC) using facts developed during an investigation conducted by OI, normally at the recommendation of an ARB.

See IMC 0613P, the Enforcement Policy, the Enforcement Manual, and Management Directive 8.8 'Management of Allegations' for additional insights regarding willfulness. See 10 CFR 50.5 for regulations addressing deliberate misconduct.



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### Block 3, Figure 1

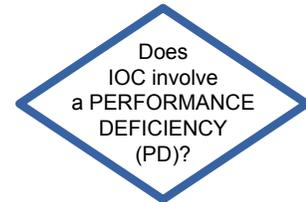
1. An IOC arrives at this determination in one of three ways:
  - a. The inspector screens-out the IOC as not a potentially willful violation,
  - b. The Allegations Review Board (ARB) does not confirm that an OI investigation is warranted.
  - c. An OI investigation does not confirm a willful violation.
2. The terms "willful" or "willfulness," as used here and in the Enforcement Policy and the Enforcement Manual, refer to violations involving either deliberate intent to violate requirements or to falsify information, or careless disregard violation of requirements or for the completeness and accuracy of information provided.



3. Willful violations are of particular concern to the Commission because its regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor.
4. Willful violations cannot be tolerated by either the Commission or a licensee. Therefore, a violation may be considered more significant than the underlying noncompliance if it includes indications of willfulness.

**Block 6, Figure 2**

1. cROP PD Screen – Answer questions a. and b. below. If the answer to both questions 1.a. and 1.b., below, is “yes”, the IOC is a cROP PD. If either question is answered “no,” the IOC is not a cROP PD. IOCs determined to involve PDs precede both to Block 7 for TE Screening and to Block 9 for Minor Screening. IOCs determined to not to involve PDs are non-findings and proceed to Block 32.



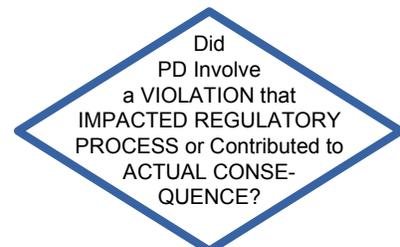
- a. Was the IOC the result of the licensee’s failure to meet a requirement or a standard? A PD can exist if a licensee fails to meet a self-imposed standard or a standard required by regulation.
- b. Was the cause of the IOC reasonably within the licensee’s ability to foresee and correct and should the IOC have been prevented?

NOTE: IOCs associated with in-process work activities would not necessarily be within the licensee’s ability to foresee and correct. Work activities are considered in-process until the first level of quality control review has been completed.

2. When evaluating the licensee’s failure to meet a requirement or standard, inspectors should consider the licensee’s intent:
  - a. By definition, the licensee intends to meet regulatory requirements, including license conditions. This intent is clearly established under oath or affirmation in applicable licensing documents.
  - b. It is generally reasonable to conclude the licensee intends to meet standards established in current licensing basis documents.
  - c. Evaluate whether or not the licensee intended to meet a specific industry standard. Failure to meet an industry standard does not constitute failure to meet a standard unless the licensee intended to meet that standard.
  - d. Focus on whether or not the licensee met regulatory requirements in an acceptable manner rather than whether the licensee met the requirements in a manner specifically approved in a generic communication.
  - e. It is generally reasonable to conclude that upon indication of readiness for a construction or operational program inspection, the licensee intended to meet the critical attributes for that program, whether or not that program has been implemented.

**Block 7, Figure 2**

1. Non-willful TE violation Screen – The inspector, as necessary and appropriate, is expected to refer to the Enforcement Policy, the Enforcement Manual and/or the Regional Enforcement Office coordinator for additional guidance on addressing the following TE violation questions.

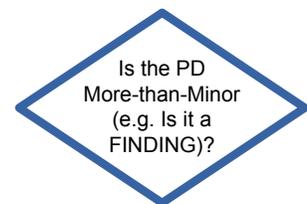


2. Answer questions a. and b. below. If any of the questions is answered ‘yes,’ the violation must be compared to examples in the applicable supplement of the Enforcement Policy to determine if the violation rises to SL-IV or above and thus constitutes a (non-minor) non-willful TE violation. If the violation rises to SL-IV or above, proceed to Block 35 - Confirmed TE violation. If all questions are answered ‘no,’ or if the violation does not rise to SL-IV or above, there is no TE violation. Proceed to Block 8 - No TE violation.
  - a. Was there a violation that impacted the regulatory process? The NRC considers the safety implications of violations that may impact the NRC’s ability to carry out its statutory mission. Violations may be significant because they may challenge the regulatory envelope upon which certain activities were licensed. These types of violations include failures such as:
    - i. Failure to provide complete and accurate information,
    - ii. Failure to receive prior NRC approval for changes in licensed activities,
    - iii. Failure to notify NRC of changes in licensed activities,
    - iv. Failure to perform 10 CFR 50.59 analyses,
    - v. Reporting failure, etc.,
  - b. Was there a violation that contributed to actual safety consequences (this should be rare in a construction environment)? Examples may include:
    - i. actual onsite or offsite releases of radiation,
    - ii. onsite or offsite radiation exposures,
    - iii. loss of significant safety barriers,
    - iv. loss of control of radioactive material, or
    - v. radiological emergencies.
3. As discussed in 2, above, a TE violation must exist and rise to SL-IV or above to proceed to Block 35 – Confirmed TE violation. Otherwise, proceed to Block 8 – No TE violation. In either case, screening of the cROP PD continues at Block 9 – Is the PD more-than-minor.

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### Block 9, Figure 2

1. cROP Minor Screen – cROP minor screening is conducted for all PDs and only for PDs. A PD that is more-than-minor is, by definition, a finding.
  - a. Begin the minor screening process by referring to the minor screening questions and minor violation examples in Appendix E. If any of the questions in Appendix E warrants a “yes” answer, the PD is more-than-minor and is a finding. Proceed to Block 10 – Does finding involve a non-TE violation.
  - b. If all of the minor screening questions in Appendix E warrant a “no” answer, the PD is minor and not a finding. Proceed to Block 36 – No finding (Does not preclude documenting a TE violation, if one exists).
  - c. If it is not possible to resolve whether the PD is minor or more-than-minor based on the steps above, proceed to Paragraph 2 – Minor Screening Questions. Also, consider submitting an NRO/DCIP IMC/IP Revision Request form including a minor/more-than-minor violation example for the issue of concern.
2. Minor Screening Questions – The following questions form the basis for determining whether a cROP PD is minor or more-than-minor. Apply the following questions directly to each PD that cannot be screened in accordance with Paragraph 1, above. Focus on the PD – not the IOC nor on other potentially-associated PDs. Whether or not the PD is associated with a violation should not drive the screening determination. The following questions are intended to be consistent with the Enforcement Policy to the extent practical, recognizing



that (a) the cROP addresses findings with- and without violations whereas the Enforcement Policy Supplements only provide example violations, and (b) the Enforcement Policy Supplements provide example violations but no screening questions to aid in determining which violations are minor or more-than-minor. If the answer to any of the following questions is “yes,” then the PD is more-than-minor and is a finding. Proceed to Block 10 – Does finding involve a non-TE violation. If the answer to all of the following questions is “no,” then the PD is minor and is not a finding. Proceed to Block 36 – No finding (Does not preclude documenting a TE violation, if one exists).

- a. Could the PD be reasonably viewed as a precursor to a significant event?
- b. If left uncorrected would the PD have the potential to lead to a more significant safety concern?
- c. Is the PD associated with one of the cornerstone attributes listed at the end of this attachment and did the PD adversely affect the associated cornerstone objective?

NOTE: If the PD was left uncorrected and could potentially lead to a significant event or a more significant safety concern during operations, then the answer to questions a. and b. above would be yes.

3. Screening TE violations. The cROP screening process shall not be used to screen TE violations, only their underlying PDs. TE violations will be separated from their underlying PDs and screened using the examples and guidance provided in the applicable supplement to the Enforcement Policy and the Enforcement Manual. In screening TE violations, TE aspects are considered in addition to the underlying violation.
4. Separating TE aspects from PDs: When dispositioning PDs associated with TE violations, the TE aspect is not considered part of the cROP PD. This is because it is considered separately when the TE violation is screened using the Enforcement Policy and the Enforcement Manual.

**Block 10, Figure 2**

1. Determine whether the finding involved a non-TE violation of NRC requirements.
2. If the finding involved a non-TE violation, then proceed to Block 11 – Confirmed finding & non-TE violation (Disposition both together through cROP). Each finding involving a Non-TE violation will ultimately be documented in CIPIMS as either NCV or NOV. See IMC 0613P, Section 0613P-08 “THE FOUR PART FORMAT” for documentation guidance.
3. If the FINDING did not involve a non-TE violation, proceed to Block 37 – Confirmed finding. Each non-TE violation finding will be documented and entered into CIPIMS as a FIN.
4. The absence of a non-TE violation does not obviate the requirement to disposition and document a TE violation in Figure 1, Block 24 or in Figure 2, Block 35, when appropriate.



**Block 14, Figure 3**

1. All findings entering Figure 3, whether from Figure 1 or Figure 2, will be screened using the construction significance determination process described in Manual Chapter 2519 to determine if they are potentially greater-than-green.
2. Most findings will be determined not potentially-greater-than-green and will transition to Block 15 – Is finding licensee-ID’d, Evaluated, and CA Developed.



3. Those findings that are potentially-greater-than-green will transition to Block 40 – Conduct SERP for review by a Significance and Enforcement Review Panel (SERP).

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**Block 15, Figure 3**

1. As discussed in IMC 2506, ‘Construction Reactor Oversight Process General Guidance And Basis Document,’ staff should consider how it will address licensee-identified issues so as to not discourage licensees from having an aggressive problem-identification process. This is accomplished by screening each finding to determine and disposition licensee-identified findings which are being correctly evaluated and addressed differently than those findings that are either self-revealing or NRC-identified.
2. IMC 2506, Section 2506-04, “DEFINITIONS,” defines licensee-identified findings as those findings that are not NRC-identified or self-revealing. Most, but not all, licensee-identified findings are discovered through a licensee program or process.



Some examples of licensee programs or processes that will likely result in such findings are the identification and documentation of findings (e.g., procedural violations, procedure inadequacies, etc.) by craft workers and/or licensee/contractor supervision during routine construction activities, construction quality assurance activities, self-assessments, independent assessments, audits and surveillances. Additional examples may include preoperational testing, start-up testing, hydrostatic testing, non-destructive testing, EP drills, and critiques conducted by or for the licensee.

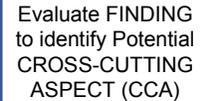
3. Since licensee-identified findings are those findings that are not NRC-identified or self-revealing, a licensee-identified screening determination must confirm both that the finding is consistent with the description and examples above and that it is not consistent with the following descriptions for either self-revealing or NRC-identified:
  - a. Self-Revealing: For the purpose of documentation in the cROP, self-revealing findings are those that become self-evident and require no active and deliberate observation by the licensee or NRC inspectors to determine whether a change in process or equipment capability or function has occurred. Self-revealing findings become readily apparent to either NRC or licensee personnel through a readily detectable degradation in the material condition, capability, or functionality of equipment and require minimal analysis to detect. Some examples of self-revealing findings include failure of equipment or instrumentation to operate properly during testing that was not related to the purpose of the test (e.g., inadequate foreign material controls cause the failure) and violation of radiography exclusion area requirements that are subsequently identified through an electronic dosimeter alarm.
  - b. NRC-identified: Findings or violations, found by NRC inspectors, of which the licensee was not previously aware or had not been previously documented in the licensee’s CAP.

NRC-identified findings also include previously documented licensee findings to which the inspector has significantly added value. Added value means that the inspector has identified a previously unknown weakness in the licensee’s classification, evaluation, or corrective actions associated with the licensee’s correction of a finding.
4. A measure of subjectivity in screening determinations is anticipated and accepted. Inspectors should be guided by a clear understanding of this screening objective, as discussed above, past experience, precedent, the over-arching regulatory message intended, and the consequence of the screening determination with regard to evaluation of CCAs and the transparency of communication with stakeholders.

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**Block 16, Figure 3**

1. Inspectors shall review available causal information related to each NRC-identified or self-revealing finding and all greater-than-green findings - and only these findings - to identify whether potential CCAs are present and, if so, which of the CCAs listed in IMC 0613P, Appendix F, best reflects the performance characteristic that is the most significant contributor to the finding (i.e. determine which CCA provides the most meaningful insight into why the finding occurred). A CCA is a finding characteristic - not a finding.
2. Potentially greater-than-green findings should also be evaluated for CCAs, but the determination shall not be documented in an inspection report until at least one of the conditions in 1, above, is satisfied.
3. The evaluation and documentation of CCAs will usually not be influenced by whether a finding involves a violation or whether a violation involves enforcement discretion. Exceptions may occur.
4. Typically no more than one CCA will be assigned to a finding. On rare occasion, it may be appropriate to associate more than one CCA with unique or complex inspection findings. In these cases, the regional office must obtain concurrence from the NRO DCIP CAEB Branch Chief. If a finding has multiple examples, the multiple examples should have the same CCA, consistent with the Enforcement Manual 2.13.7, "Documenting Multiple Examples of a Violation."
5. Inspectors are not expected to perform independent causal evaluations beyond what would be appropriate for the risk significance of the issue to obtain more precise causal information.
6. If a potential CCA correlates to an aspect related to Safety Conscious Work Environment (SCWE), consult the SCWE Finding Review Group (FRG), chaired by the Agency Allegation Advisor, to determine how to proceed.



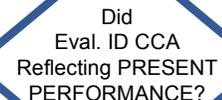
Evaluate FINDING  
to identify Potential  
CROSS-CUTTING  
ASPECT (CCA)

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**Block 17, Figure 3**

If no potential CCAs were identified in Block 16, the finding does not have a CCA. Proceed directly to Block 46. If one or more potential CCAs were identified in Block 16, answer the following question with respect to each potential CCA to determine if it is reflective of present performance:

1. Is the performance characteristic described by (or associated with) the potential CCA associated with an entity that is currently conducting activities associated with site construction?
2. If the answer is yes, the potential CCA is reflective of present performance and the associated finding has a confirmed CCA. Proceed to Block 18.
3. If the answer is no, the potential CCA is not reflective of present performance and the finding does not have a CCA. Proceed to Block 46.

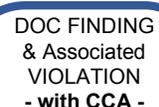


Did  
Eval. ID CCA  
Reflecting PRESENT  
PERFORMANCE?

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**Block 18, Figure 3**

1. At this terminator, a finding and associated CCA (or, in rare instances, more than one CCA) have been confirmed and are to be documented.



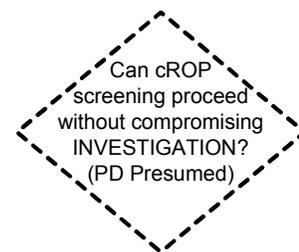
DOC FINDING  
& Associated  
VIOLATION  
- with CCA -

2. The finding may or may not be directly associated with a confirmed violation and that violation may or may not be associated with a confirmed TE attribute (e.g. willfulness, impacting regulatory process, or actual consequences).
3. If there is no associated violation or if the associated violation is a TE violation, the finding will be documented as a FIN with CCA.
4. If the inspector confirms a non-TE violation, the inspector shall document the finding as either a violation (VIO) or a non-cited violation (NCV) with CCA.
  - a. Answer the following questions. As necessary, work with the Office of Enforcement (OE), through the Regional Enforcement Coordinator, and refer to the Enforcement Policy and the Enforcement Manual to determine whether the violation should be cited (VIO) or non-cited (NCV):
    - i. Did the licensee fail to restore compliance?
    - ii. Has the NRC yet to determine the adequacy of the CAP?
    - iii. Did the licensee fail to enter the violation into their CAP?
    - iv. Was the violation willful?
    - v. (For enforcement only) Was the violation repetitive and NRC-identified?
  - b. If the answer to any of the above questions is “Yes”, the violation should be cited in a Notice of VIOLATION (VIO).
  - c. If the answer to all of the applicable questions is “No”, the violation may be dispositioned as a NCV.
  - d. See IMC 0613P, Section 0613P-08 “THE FOUR PART FORMAT” for additional guidance.

**Figure 1 Additional Guidance - Less Frequently Anticipated Pathways**

**Block 21, Figure 1**

1. Each IOC warranting a willfulness investigation triggers a deliberative process involving key stakeholders to determine whether cROP screening of the underlying PD may proceed without compromising the investigation. The decision to proceed with cROP screening constitutes a cROP PD presumption.
2. Dispositioning a cROP PD during an ongoing willfulness investigation is not expected to be a common occurrence. Generally, to preclude the possibility of compromising an ongoing investigation, inspectors will suspend cROP disposition activities that require licensee interaction until the investigation is complete. However, there are instances in which continuation of cROP disposition and related licensee interaction are justified and appropriate. In making this determination, key stakeholders will:
  - a. Ensure that their specific concerns are considered in order to achieve the two desired agency outcomes – a valid and defensible cROP finding and a valid and defensible violation within the enforcement program, and
  - b. Generally include OI and OE, the associated Region, and DCIP. The primary parties to this decision will be the Directors (or their designees) of the OI Field Office, DCIP, and the associated Regional Division of Construction Projects or Inspection.



3. Timely resumption of the cROP PD disposition process is desirable because SDP insights developed during disposition are integral to dispositioning most TE violations. Thus the decision to defer cROP disposition should be revisited as soon as the investigation is sufficiently complete or when new information arises that might otherwise warrant revisiting the decision. Because of the sensitive nature of investigations and associated outcomes, all key stakeholders must concur on both the original decision and subsequent revisions to that decision.

**Block 22, Figure 1**

This Block requires enhanced coordination to preclude the possibility of compromising an ongoing investigation by proceeding, prematurely, with cROP disposition activities while simultaneously assuring that cROP disposition activities are not delayed longer than necessary.

Wait for Completion  
of Investigation

**Block 23, Figure 1**

1. In accordance with the Enforcement Policy and the Enforcement Manual:
  - a. OI, upon concluding its investigation will issue a conclusion about willfulness based on the facts collected/developed during its investigation.
  - b. Using the facts/conclusion above, OGC will make a final determination about willfulness.

Does  
INVESTIGATION  
Confirm a WILLFUL  
VIOLATION?

2. Upon confirmation of a willful violation proceed to Block 24 – Confirmed violation; Confirmed willfulness; Confirmed PD.
3. If a willful violation is not confirmed, proceed to Block 3 – No willfulness.

**Block 24, Figure 1**

1. Work with the Office of Enforcement through the Regional Enforcement Coordinator to disposition violations involving willfulness. Consult the Enforcement Policy and the Enforcement Manual for guidance.
2. A violation may be considered more significant than the underlying noncompliance if it involves willfulness. When determining the SL of a willful violation, the NRC, in addition to considering the willful aspects, considers the (1) actual safety consequences; (2) potential safety consequences, including the consideration of risk information; and (3) potential for impacting the NRC’s ability to perform its regulatory function.
3. An NOV (requiring a formal written response from a licensee) is normally required for a willful violation. However, an NCV may still be appropriate. Refer to the Enforcement Policy for additional guidance.
4. The approval of the Director, Office of Enforcement, with consultation with the Deputy Executive Director as warranted, is required for dispositioning willful violations as NCVs.

**Confirmed VIOLATION;  
Confirmed WILLFULNESS;  
Confirmed PD;**

- Work with OE via Regional Enforcement Coordinator to determine the SL of the VIOLATION.
- Continue screening cROP PD at Block 25

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**Block 25, Figure 1**

1. See additional guidance from Block 9, Figure 2.
2. If the PD is minor, there is no finding; proceed to Block 27. The absence of a finding may influence but does not preclude the potential to confirm a willful violation though it may influence the determination of its severity level and/or civil penalty (CP).
3. If the PD is more-than-minor, there is a finding; proceed to Block 26. The presence of a finding does not preclude the potential to confirm no willful violation. However, if a willful violation is determined to exist, it may influence the determination of its severity level and/or CP.



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**Figure 2 Additional Guidance - Less Frequently Anticipated Pathways**

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**Block 29, Figure 2**

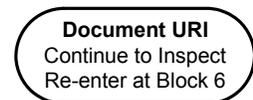
1. The decision to document a URI is a decision to commit future resources.
2. In most instances, an inspection will not exit (e.g. will remain open) until it has been completed and has gathered sufficient information. However, on occasion, circumstances occur which require an inspection to be exited pending receipt of information necessary to disposition an IOC.
3. When the inspection must exit pending receipt of additional necessary information, a URI will be opened.



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**Block 31, Figure 2**

1. According to IMC 2506, Section 2506-04 "DEFINITIONS," a URI is an IOC about which more information is required to determine if:
  - a. A PD exists,
  - b. The PD is more than minor, or
  - c. The IOC constitutes a violation.



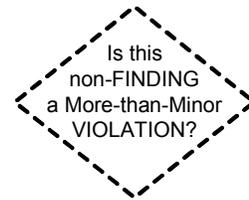
Such a matter may require additional information from the licensee or cannot be resolved without additional guidance or clarification/interpretation of the existing guidance.

2. A URI shall not be opened:
  - a. to obtain more information to determine the significance of a finding,
  - b. to obtain more information to disposition a CCA, nor
  - c. to track completion of licensee's actions associated with a finding or an inspection question.
3. The URI should be documented using the Introduction and Description Sections of the Four Part Format, as discussed in IMC Sections 0613P-08 and 0613P-10. Because URIs are not findings, the Analysis and Enforcement Sections are not required.

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**Block 32, Figure 2**

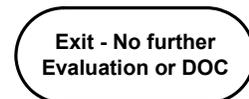
1. According to IMC 2506:
  - a. A finding is a PD of greater than minor significance. Findings may or may not be associated with regulatory requirements and, therefore, may or may not result in a violation.
  - b. A minor violation is a violation that is of such low significance that documentation in an NRC inspection report is not normally warranted. Violations associated with PDs of minor significance are normally deemed to be minor violations.
2. However, because the significance of violations associated with TE (e.g. (a) willfulness, (b) impacting the regulatory process, or (c) actual safety consequences) are usually adjusted upward as a consequence of these TE attributes, the Enforcement Policy must be consulted in screening violations with these attributes. (See Block 9 additional guidance).
3. Although minor violations must be corrected, they are not usually described in inspection reports. See IMC 0613P, Section 0612-13 "DOCUMENTING MINOR ISSUES AND MINOR VIOLATIONS" for guidance on documenting minor issues and minor violations for exceptions that may warrant documenting a minor violation. These exceptions may include:
  - a. Closing out a Licensee Event Report (LER) or Construction Deficiency Report (CDR),
  - b. Closing out a URI, or
  - c. Follow-up to an allegation.
4. Where a licensee does not take corrective action for an otherwise minor violation, willfully commits a violation, or the NRC has indications that the violation has occurred repeatedly, the matter should be considered more than minor, i.e., the matter should be categorized at least at Severity Level IV or associated with a green inspection finding and dispositioned in an NOV or NCV, as appropriate.
5. Finally, although a more-than-minor violation rarely occurs absent an associated PD, such violations must be dispositioned by either a cited or non-cited violation or considering enforcement discretion. Consult the Enforcement Policy and the Enforcement Manual.



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**Block 33, Figure 2**

1. IMC 2506 defines minor violation as a violation that is of such low significance that documentation in an NRC inspection report is not normally warranted. Violations associated with PDs of minor significance are normally deemed to be minor violations. Licensees are required to correct all violations including those that are minor.
2. Because the significance of violations associated with (a) willfulness, (b) impacting the regulatory process, or (c) actual safety consequences are usually adjusted upward as a consequence of these traditional enforcement attributes, the Enforcement Policy must be consulted in screening violations with these attributes.
3. In addition, as discussed in the Enforcement Policy, documentation of a minor violation may be warranted as part of closing out a LER, CDR, URI, or follow-up to an allegation. Licensees are required to correct minor violations.
4. If it is necessary to document a minor violation then only minimal discussion is required. The write-up should briefly describe the IOC, state that the issue has been addressed by the licensee and should include the following:



“This failure to comply with {requirement} constitutes a violation of minor significance that is not subject to enforcement action in accordance with the NRC’s Enforcement Policy.”

5. An IOC, regardless of whether it involves a violation, may be documented if related directly to an issue of agency-wide concern, if allowed by an appendix to IMC 0613P, or by a specific inspection procedure or temporary instruction. In addition, limited documentation of the NRC’s review of events associated with radioactive leaks and spills should be provided in the inspection report for those leaks and spills reported to State and local authorities even when there were no PDs identified or the PD is determined to be minor.
6. If it is necessary to document a minor non-violation then only minimal discussion is required. The write-up should briefly describe the issue and state that it has been addressed by the licensee, if applicable.

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### Block 34, Figure 2

1. If a violation is more than minor, it must be dispositioned in an inspection report. Work with the Office of Enforcement through the Regional Enforcement Coordinator to disposition violations with no PD. Document the violation in accordance with IMC 0613P, Section 0613P-09 “DOCUMENTING VIOLATIONS WITHOUT PERFORMANCE DEFICIENCIES” guidance for documenting violations without PDs.

Disposition IAW Enf. Policy;  
DOC More-than-Minor VIOLATION  
or ENFORCEMENT DISCRETION
2. The Enforcement Policy and the Enforcement Manual address circumstances in which the agency may exercise enforcement discretion. A violation that does not involve a PD is *not* a finding, will not normally be documented using the four-part format, and may warrant enforcement discretion.
3. Work with OE through the Regional Enforcement Coordinator to determine the appropriate action. Also, see Enforcement Manual, Chapter 5 “EXERCISE OF DISCRETION” for additional guidance. Consider the following two-part format when granting enforcement discretion:
  - a. The first part will describe the IOC, why there was no PD, and the safety significance. This part may be brief but should contain sufficient detail to explain the above, including how the significance was determined.
  - b. The second part will describe the requirement violated and include the following statement:

“However, because a performance deficiency was not identified, no enforcement action is warranted for this violation of NRC requirements in accordance with the NRC’s Enforcement Policy. Further, because licensee actions did not contribute to this violation, it will not be considered in the assessment process or NRC’s Construction Action Matrix.”
  - c. These violations are not documented in the Summary of Findings, receive no tracking number, and are not entered into CIPIMS. The cover letter shall contain the language required for exercising ED. See IMC 0613P, Section 0613P-15 “COMPILING AN INSPECTION REPORT” for additional guidance.

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**Block 35, Figure 2**

1. The regulatory significance (severity level) of VIOLATIONS contributing to actual safety consequence or impacting the regulatory process is determined in accordance with the Enforcement Policy and the Enforcement Manual. A CP is imposed with the violation, if appropriate.
2. Work with OE through the Regional Enforcement Coordinator to determine the SL of the violation and, if applicable, the CP.
3. If escalated action is to be considered, coordinate with the Regional Enforcement Coordinator to prepare for an enforcement panel. The violation may be characterized as an AV in the inspection report, until final enforcement action is determined.
4. The violation will be dispositioned separately from the finding, assuming that a finding is confirmed.

**Confirmed TE VIOLATION**  
Disposition TE VIOLATION IAW Enf. Policy  
(Continue PD Screen @ Block 9)

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**Figure 3 Additional Guidance - Less Frequently Anticipated Pathways**

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**Block 39, Figure 3**

1. Green licensee-identified findings are not considered in the cROP assessment process nor are they evaluated for CCAs.
2. If the finding is not a violation, the finding is of very low safety significance, and the licensee has correctly evaluated the finding and has developed appropriate corrective actions, then the finding is not normally documented in the inspection report.

Exit - No further  
Evaluation or DOC

Inspector judgment is necessary in determining whether the licensee has correctly evaluated the finding and has developed appropriate corrective actions. It may be necessary to consider:

- a. the urgency of addressing the finding,
- b. time elapsed following the licensee becoming aware of the finding,
- c. agency requirements and expectations regarding timeliness and adequacy of corrective actions
- d. licensee CAP requirements and licensee expectations
- e. licensee's expressed intent to address or oppose the finding
- f. other factors, as appropriate

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**Block 43, Figure 3**

1. Green licensee-identified findings that involve violations are documented in accordance with the Enforcement Policy and the Enforcement Manual and in accordance with IMC 0613P, Section 0613P-12, "DOCUMENTING LICENSEE-IDENTIFIED VIOLATIONS" as follows:
  - a. If the licensee has correctly evaluated the finding and has developed appropriate corrective actions, then the violation is briefly described in Section 4OA7 of the inspection report.

DOC  
ABBREVIATED  
FINDING in 4OA7  
- No CCA -

Inspector judgment is necessary to make the above determination. It may be necessary to consider:

- i. the urgency of addressing the finding,
  - ii. time elapsed following the licensee becoming aware of the finding,
  - iii. agency and licensee CAP requirements and expectations regarding timeliness and rigor of corrective actions,
  - iv. licensee's expressed intent to address or oppose the FINDING, and
  - v. other factors, as appropriate.
- b. The abbreviated finding description will include:
- i. the requirement violated,
  - ii. how it was violated,
  - iii. the licensee's corrective action tracking number(s), and
  - iv. a very brief justification why the violation is not greater than green.
- c. A complete reconstruction of the SDP logic is not required. However, Section 4OA7 must include the following introductory paragraph:
- "The following violations of very low safety significance (green) or Severity Level IV were identified by the licensee and are violations of NRC requirements which meet the criteria of the NRC Enforcement Policy, for being dispositioned as a NCV."
2. The safety significance and enforcement of licensee-identified NCVs should be discussed per IMC 0613P, Section 0613P-12 "DOCUMENTING LICENSEE-IDENTIFIED VIOLATIONS" and not in the LER/CDR closeout section. A statement, such as "The enforcement aspects of this finding are discussed in Section 4OA7," should be included in the LER/CDR closeout section.
3. Licensee-identified NCVs are not documented in the summary of findings. However, if a green or Severity Level IV licensee-identified finding resulted in a violation, include the following boilerplate paragraph as the last paragraph of the summary of findings:
- "Violations of very low safety significance or severity level IV that were identified by the licensee have been reviewed by the inspectors. Corrective actions taken or planned by the licensee have been entered into the licensee's CAP. These violations and corrective action tracking numbers are listed in Section 4OA7 of this report."
4. NOTE: In accordance with the Enforcement Policy, the approval of the Director, Office of Enforcement, with consultation with the Deputy Executive Director as warranted, is required for dispositioning willful violations as NCVs.

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**Block 44, Figure 3**

IMC 2506 defines:

1. To Be Determined (TBD) is the inspection report characterization that is required by IMC 2519, 'Construction Significance Determination Process,' if the staff's significance determination of a finding is not complete at the time of issuance of the inspection report, and not reviewed by the SERP. Final significance determination should be completed within 90 days from the issue date of the first official correspondence that describes a finding as TBD. Upon resolving the FIN (TBD) or AV, the screening process resumes at Block 42 (which will now be answered 'yes')."
2. Apparent Violation (AV) as a violation of regulatory requirements that is being considered for potential escalated enforcement action. See "DOCUMENTING POTENTIAL ESCALATED ENFORCEMENT ACTIONS" in the Enforcement Manual for additional insights.
3. Preliminary greater than green as a finding that has been reviewed by the Significance and Enforcement Review Panel (SERP) as described in Attachment 1 to Manual Chapter 2519. Until the significance of a finding has been finalized, it may be characterized in an inspection report as an AV, if a violation is involved, or as a finding (FIN) to-be-determined (TBD) if no violation is being considered.

DOC  
FIN (TBD) or AV  
Re-enter at Block 42

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**Block 46, Figure 3**

See Block 18, Figure 3, for additional applicable guidance (with the exception that no CCA is documented).

DOC FINDING  
& Associated  
VIOLATION  
- No CCA -

## CORNERSTONE OBJECTIVES AND ATTRIBUTES TABLES

<b>Cornerstone</b>	<b>Design / Engineering</b>
<b>Objective</b>	To Independently Assess The Licensee's Methods To (1) Develop and Implement Detailed Design And Construction Drawings and Procedures; and (2) Implement a Design Change Process.
<b>Attributes</b>	Design Control; Procedure/Document Quality
<b>Areas to Measure</b>	ITAAC; Site-Specific Design; Design Implementation; Design Changes; Applicable Criteria from Appendix B
<b>Inspectable Areas</b>	Applicable IMC 2503 ITAAC Procedures; Applicable IMC 2504 Construction Program Procedures; Design Acceptance Criteria.

<b>Cornerstone</b>	<b>Procurement / Fabrication</b>
<b>Objective</b>	To Independently Assess The Licensee's Methods To (1) Procure Material, Equipment and Services, and (2) Control Materials, Parts, and Components During Fabrication.
<b>Attributes</b>	Process Control; Material Control; Procedure Quality
<b>Areas to Measure</b>	ITAAC; Commercial Grade Dedication; Receipt Inspection; Licensee's Evaluation Of Suppliers; Applicable Criteria From Appendix B; Maintenance and Storage Of SSCs; and Reports Required By Regulations
<b>Inspectable Areas</b>	Applicable IMC 2503 ITAAC Procedures; Applicable IMC 2504 Construction Program Procedures

<b>Cornerstone</b>	<b>Construction / Installation</b>
<b>Objective</b>	To Independently Assess The Licensee's Programs and Processes Developed And Implemented To Ensure The Construction and Installation of Facilities and Structures, Systems, and Components in Accordance With The Design.
<b>Attributes</b>	Process Control; Material Control; Procedure Quality

<b>Areas to Measure</b>	ITAAC; Civil/Structural; Mechanical; Electrical; Welding; Maintenance and Storage Of SSCs; Applicable Criteria From Appendix B; Reports Required By Regulations
<b>Inspectable Areas</b>	Applicable IMC 2503 ITAAC Procedures; Applicable IMC 2504 Construction Program Procedures

<b>Cornerstone</b>	<b>Inspection / Testing</b>
<b>Objective</b>	To Independently Assess The Licensee's Programs and Processes Developed and Implemented To Inspect and Test Programs, Facilities, and Structures, Systems, and Components.
<b>Attributes</b>	Process Control; Material Control; Procedure Quality
<b>Areas to Measure</b>	ITAAC; ITAAC Closure; ITAAC Maintenance; Non-ITAAC Testing; Preoperational Testing; Applicable Criteria From Appendix B
<b>Inspectable Areas</b>	Applicable IMC 2503 ITAAC Procedures; Applicable IMC 2504 Construction Program Procedures

<b>Cornerstone</b>	<b>Operational Programs</b>
<b>Objective</b>	To independently assess the licensee's development of the operational programs required by license condition or regulation.
<b>Attributes/Areas to Measure</b>	<p><b>Program Effectiveness</b></p> <p>Emergency Preparedness; Radiation Protection; Process And Effluent Monitoring; Fire Protection; Preservice Inspection; Preservice Testing; Inservice Inspection; Inservice Testing; Environmental Qualification; Reactor Vessel Material Surveillance; Containment Leak Rate Testing; Maintenance Rule; Motor-Operated Valves; Quality Assurance (Operations); Operational Readiness.</p> <p><b>Training and Qualification</b></p> <p>Reactor Operator Training; Reactor Operator Requalification; Non-Licensed Plant Staff Training.</p>
<b>Inspectable Areas</b>	Applicable IMC 2504 Operational Program Procedures

<b>Cornerstone</b>	<b>Security Programs for Construction Inspection and Operations</b>
<b>Objective</b>	To Provide Assurance That (1) Construction Activities Are Not Adversely Impacted Due To Fitness-For-Duty Issues; and (2) The Licensee’s Security Programs Use a Defense-In-Depth Approach and Can Protect Against the Design Basis Threat of Radiological Sabotage From Internal and External Threats.
<b>Attributes/Areas to Measure</b>	<p><b><u>Access Authorization</u></b> Operational Program: Personnel Screening; Behavior Observations; Fitness for Duty Construction Program: Fitness for Duty</p> <p><b><u>Access Control</u></b> Operational Program: Search; Identification</p> <p><b><u>Physical Protection</u></b> Operational Program: Protected Areas and Vital Areas (Barriers, Alarms, Assessment)</p> <p><b><u>Contingency Response</u></b> Operational Program: Protective Strategy Evaluation</p> <p><b><u>Material Control &amp; Accounting</u></b> Operational Program: Records, Reports; Procedures; Inventories</p> <p><b><u>Cyber Security</u></b> Operational Program: Protection of Systems &amp; Networks; Cyber Security Program; Plan &amp; Procedures</p> <p><b><u>Protection of Safeguards Information</u></b> Operational and Construction Programs: Access to SGI; Designation and Storage; Processing, Reproducing and Transmitting; Removal and Destruction</p>
<b>Inspectable Areas</b>	Access control; Assessment and Detection; Contingency Plan and Compensatory Measures; Material Control and Accounting; Personnel Access, Fitness-for-Duty and Insider Mitigation; Physical Barriers; Programs and Procedures; Safeguards, Records and Reports; Security Management Oversight

**ATTACHMENT 1**  
**Revision History for APPENDIX B to IMC 0613P - Issue Screening**

Commitment Tracking Number	Issue Date	Description of Change	Training Needed	Training Completion Date	Comment Resolution Accession Number
N/A	Xx/xx/xx	<p>Complete revision to address Commission direction in SRM SECY 2010-0140.</p> <p>Incorporation of Pre-COL inspection reporting guidance have been added to this IMC.</p> <p>Definitions have been removed; definitions can be found in IMC 2506.</p>	SDP and issue screening training required for inspection staff	12/31/2011	