

## APPENDIX B

### **GUIDANCE ON DETERMINING WHETHER A VIOLATION IS MINOR**

(From NRC Enforcement Manual, NUREG-BR-0195, Rev 2)

Minor violations (previously categorized at Severity Level V) are not the subject of formal enforcement action and are not usually described in inspection reports. To the extent such violations are described, they are noted as minor violations. (See Section 3.7 for additional guidance on documenting minor violations in inspection reports.)

Such violations normally are characterized by (1) having no actual impact and little or no potential for impact on safety, (2) being isolated, not evidencing programmatic deficiencies, and (3) relating to licensee administrative limits rather than to NRC regulatory limits. When an inspector identifies a violation, the determination of whether the violation is minor should consider the following questions:

- Does the violation have any actual impact (or any realistic potential for impact) on safety?
- Does the violation suggest a programmatic problem that could have a realistic potential safety or regulatory impact?
- Could the violation be viewed as the possible precursor to a significant event?
- If inadvertently left uncorrected, would this violation become a more significant safety and regulatory concern?
- Are there associated circumstances that add regulatory concern to this violation (e.g., apparent willfulness, licensee refusal to comply, management involvement, etc.)?

If the answer to all of these questions is "no," the violation should be considered a minor violation. If, on the other hand, the answer to any one of these questions is "yes," the violation should not be considered a minor violation.

An isolated record-keeping failure may be a minor violation. However, where record-keeping problems interfere in the ability to monitor or audit activities or identify performance problems, the failures are more significant and should not be considered a minor violation.

Where a licensee does not take corrective action or repeatedly or willfully commits a minor violation, such that a formal response is necessary, the matter should be categorized at least at Severity level IV.