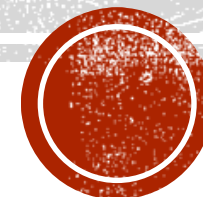


INSPECTION MANUAL CHAPTER (MC) 0616 REVISION

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PURPOSE OF MC 0616

- **Provide guidance to inspectors on report:**
 - **Content**
 - **Formatting & style**
 - **Timelines**
- **Provide criteria to assess whether a violation is minor or more-than-minor (Appendix B)**



SUMMARY OF CHANGES

- Changes to term definitions to better align with Enforcement guidance
- Better defined roles and responsibilities
- Improved guidance for documenting violations using the 4-part format
- Changes to how licensee-identified non-cited violations (NCVs) are documented
- Changes to Appendix B, including:
 - Removal of one general screening question
 - Improved guidance for assessing whether a violation is minor or more-than-minor (MTM)
 - Addition of two new MTM examples



TERM DEFINITIONS

- Term definitions better aligned with NRC Enforcement Policy.
- Terms altered:
 - “Self-revealing” is now referred to as “identified through an event”
 - “Licensee event reports” is now referred to as “written event reports”
- Terms deleted:
 - “Potentially Generic Issue”
 - “Draft Inspection Report”
 - “Finding”
 - “Inspector Follow-up Item (IFI)”



RESPONSIBILITIES

- Responsibilities better defined:
 - Provide interpretations and support for information contained in the MC
 - Answer questions related to program guidance
 - Facilitate resolution of identified gaps in MC directions and guidance
 - Update program guidance to address identified gaps



DOCUMENTING VIOLATIONS USING THE 4-PART FORMAT

All other Violations

- Introduction
 - Severity Level (SL)
 - Identification credit
 - State violation and whether cited or non-cited
- Description
 - Details associated with violation

Apparent Violations (AVs)

- Introduction
 - State violation and that it's an AV
- Description
 - Details associated with violation



DOCUMENTING VIOLATIONS USING THE 4-PART FORMAT

All other Violations

- Analysis
 - Applicable More-than-Minor screening question in MC 06 qu “ye
 - Ad sa safety margin, & duration of noncompliance discussions
 - Logic to determine specific SL including Enforcement Policy examples

Apparent Violations (AVs)

- Analysis
 - Applicable More-than-Minor screening question in MC
 - Ad sa safety margin, & duration of noncompliance discussions
 - Logic to determine the escalated enforcement nature of the violation

REMOVED:

A concise restatement of the violation identifying the requirement that was not met and how the licensee failed to meet



DOCUMENTING VIOLATIONS USING THE 4-PART FORMAT

All other Violations

- Enforcement
 - Requirement not met and how (“contrary to statement”)
 - When the violation occurred & duration
 - Corrective actions taken to restore compliance or ensure safety
 - Documentation of specific enforcement actions or any enforcement discretion granted
 - Tracking number and title
 - Circumstances on violation disposition in accordance with 2.3.2 of Enforcement Policy

Apparent Violations (AVs)

- Enforcement
 - Requirement not met and how (“contrary to statement”)
 - When the violation occurred & duration
 - Corrective actions taken to restore compliance or ensure safety
 - Documentation of specific enforcement actions or any enforcement discretion granted
 - Tracking number and title



Licensee-Identified NCVs

- Licensee-identified violations which meet the Enforcement Policy criteria for being considered as an NCV should receive minimal documentation.
- Requirement not met and how (“contrary to” statement)
- Reference to licensee’s corrective action document number
- Brief description of logic to determine the violation is a Severity Level IV



CHANGES TO APPENDIX B

- Removal of one general screening question
- Improved guidance for assessing whether a violation is minor or more-than-minor (MTM)
- Addition of two new MTM examples



REMOVAL OF GENERAL SCREENING QUESTION #4

- “Does the noncompliance represent more than a paperwork issue (e.g., resulted in a physical impact on the plant) that adversely impacted personnel or nuclear safety?”



MTM ASSESSMENT – RISK BASED VIOLATIONS

- “In general, if the answer to all of the applicable screening questions is no, then the violation is minor. Conversely, if the answer to any one of the screening questions is yes, the violation is generally more-than-minor...”

Previous Version

- ”...however, before a final conclusion is reached, the inspector should also **consider the overall increase in risk** that may have resulted from the noncompliance... In general, noncompliances that result in a slight change in risk should lead the staff towards a conclusion of minor and noncompliances that result in a significant change in risk should lead the staff towards a conclusion more-than-minor.”

New Version

Clarifies what is meant by “consider the overall increase in risk.”



MTM ASSESSMENT – RISK BASED VIOLATIONS

Assess Overall Risk Factors

- Assess overall *change* in risk resulting from the noncompliance
- Example:
 - Failed engineered control results in risk index shift of [-4], versus a failed administrative control resulting in a risk index shift of [-2]
- Assess any remaining risk margin
- Example:
 - Failed administrative control results in the likelihood of an accident sequence to shift from [-6] to [-4], versus a failed administrative control resulting in the likelihood of an accident sequence to shift from [-8] to [-6]



New Example 1

- Operations/Chemical Safety Example j
 - The licensee failed to implement adequate management measures, resulting in a condition where an item relied on for safety (IROFS) was unavailable, unreliable, or less reliable than assumed in the integrated safety analysis (ISA).
 - Violation: The licensee failed to implement management measures per 10 CFR 70.61(e) and 70.62(d) to ensure that an IROFS remained available and reliable.
 - Minor because: The licensee maintained significant risk margin above and beyond the performance requirements of §70.61(b) and (c); or the overall change in risk resulting from the failure was low, *and* the licensee maintained some level of risk margin above and beyond the requirements of §70.61(b) and (c).
 - Not Minor if: The failure resulted in no remaining risk margin above and beyond the performance requirements of §70.61(b) and (c); or the overall change in risk resulting from the failure was high, *and* the licensee did not maintain a significant level of risk margin above and beyond the requirements of §70.61(b) and (c).



New Example 2

- Criticality Safety Example k
 - The licensee's Criticality Accident Alarm System (CAAS) experienced a failure (e.g., loss of detector coverage, loss of annunciation, etc.) without compensatory measures being in effect in an area for which evacuation is required under 10 CFR 70.24(a) and (a)(3).
 - Violation: The licensee failed to establish or maintain the CAAS as required by 10 CFR 70.24.
 - Minor because: The failure occurred for an insignificant duration (e.g., less than or equal to 8 hours), compensatory measures were imposed within that time, the failure effected a very small area of the plant (e.g., a bathroom), or the failure only effected remote areas away from where SNM is handled, used, or stored, that would not be exposed to doses requiring immediate evacuation.
 - Not Minor if: The CAAS failed to provide either detection or annunciation coverage for a significant time period (e.g., greater than 8 hours), without compensatory measures being in effect.
 - NOTE: For failures where the duration is not known, but the failure rate can reasonably be assumed to be constant, the average failure duration may be calculated as one half the duration since the CAAS was last known to be functional.



QUESTIONS?



MTM ASSESSMENT – RISK BASED VIOLATIONS

Identified violations are first compared to the Enforcement Policy to determine whether they align with a SL I, II, III, or IV violation

a. *SL I* violations involve, for example:

1. Under 10 CFR Part 70, Subpart H, a high-consequence event occurs; or
2. For licensees not under 10 CFR Part 70, Subpart H, the occurrence of an event with a consequence commensurate with a 10 CFR Part 70, Subpart H, high-consequence event, as a result of licensed materials or hazardous chemicals produced from licensed materials.

b. *SL II* violations involve, for example:

1. Under 10 CFR Part 70, Subpart H, a high-consequence event is "not unlikely" based on a licensee's ISA;
2. Under 10 CFR Part 70, Subpart H, an intermediate-consequence event occurs;
3. For licensees not under 10 CFR Part 70, Subpart H, a very substantial increase in the likelihood of a consequence commensurate with a Part 70 high-consequence event occurs; or
4. For licensees not under 10 CFR Part 70, Subpart H, an event with a consequence commensurate with a Part 70, Subpart H intermediate-consequence event occurs as the result of licensed materials or hazardous chemicals produced from licensed materials.

d. *SL IV* violations involve, for example:

1. Under 10 CFR Part 70, Subpart H, a licensee fails to meet the requirements of 10 CFR 70.61, "Performance Requirements," or Appendix A, "Reportable Safety Events," to 10 CFR Part 70, and the failure does not result in a SL I, II, or III violation;
2. A failure of safety systems or controls occurs such that an acceptable safety margin has not been maintained, and the failure does not result in a SL I, II, or III violation;

c. *SL III* violations involve, for example:

1. Under 10 CFR Part 70, Subpart H, a high-consequence event is "unlikely" based on a licensee's ISA;
2. Under 10 CFR Part 70, Subpart H, an intermediate-consequence event is "not unlikely" based on a licensee's ISA;
3. For licensees not under 10 CFR Part 70, Subpart H, a substantial increase in the likelihood of a consequence commensurate with a Part 70, Subpart H, high-consequence event occurs;
4. For licensees not under 10 CFR Part 70, Subpart H, a significant increase in the likelihood of a consequence commensurate with a Part 70, Subpart H, intermediate-consequence event occurs;



MTM EXAMPLE

- A licensee fails to establish adequate management measures to ensure the availability and reliability of an IROFS, resulting in an IROFS failure.
- Likelihood shifts from [-10] to [-6].
- Enforcement Policy suggests that the violation may be a SL IV.
- MC 0616 screening question #8, which states, “Does the violation adversely affect the ability of an IROFS or safety related component to perform its intended safety function?” suggests the violation is MTM.
- MC 0616 screening process suggests that further assessment is required to determine if the violation is minor or MTM.
- Risk factors assesses
 - Overall change in risk is [-4] (high)
 - Remaining risk margin is [-2] (some level of margin)
- MC 0616 example j suggests the violation is MTM

