

NRC INSPECTION MANUAL

CCIB

MANUAL CHAPTER 0613

DOCUMENTING 10 CFR PART 52
CONSTRUCTION INSPECTIONS

Page Intentionally Left Blank

0613-01	PURPOSE	- 1 -
0613-02	OBJECTIVES	- 1 -
0613-03	DEFINITIONS	- 1 -
0613-04	RESPONSIBILITIES AND AUTHORITIES	- 1 -
04.01	General Responsibilities	- 1 -
04.02	Inspectors	- 2 -
04.03	Deputy Regional Administrator for Construction	- 2 -
04.04	Regional Branch Chiefs and Division Directors	- 2 -
04.05	Division of Construction Inspection and Operational Programs (DCIP), Office of New Reactors (NRO)	- 2 -
0613-05	SCREENING INSPECTION RESULTS	- 3 -
05.01	<u>Screen for a Violation of Regulatory Requirements</u>	- 3 -
05.02	Screen for Enforcement Categories	- 3 -
05.03	Screen for Greater-than-Minor Significance	- 3 -
05.04	Screen for Identification Credit	- 4 -
05.05	Analyze for Construction Cross-Cutting Component Aspects.....	- 4 -
05.06	Screening for Type of Finding and Applicable Enforcement Action.....	- 4 -
0613-06	DOCUMENTING INSPECTION RESULTS	- 5 -
0613-07	DOCUMENTING INSPECTION RESULTS WITH NO FINDINGS AND DOCUMENTING OBSERVATIONS	- 5 -
0613-08	DOCUMENTING NRC-IDENTIFIED, SELF-REVEALING, AND LICENSEE-IDENTIFIED FINDINGS THAT MEET THE SCREENING CRITERIA SPECIFIED IN APPENDIX B, SECTION 1-4.....	- 6 -
08.01	Title	- 6 -
08.02	Scope	- 6 -
08.03	Summary	- 6 -
08.04	Findings	- 6 -
08.05	Documents Reviewed	- 9 -
0613-09	DOCUMENTING SELF-REVEALING AND LICENSEE-IDENTIFIED FINDINGS THAT DO NOT MEET THE SCREENING CRITERIA SPECIFIED IN APPENDIX B, SECTION 1-4.....	- 9 -
0613-10	DOCUMENTING UNRESOLVED ITEMS	- 10 -
10.01	Opening URIs	- 10 -
10.02	Closing URIs.....	- 10 -
0613-11	DOCUMENTING MINOR VIOLATIONS	- 12 -
11.01	Minor Violations	- 12 -
0613-12	DOCUMENTING FINDINGS ASSOCIATED WITH LICENSEE EVENT	

	REPORTS AND CONSTRUCTION DEFICIENCY REPORTS	- 12 -
12.01	Closure of CDRs	- 12 -
12.02	Closure of Cited Violations	- 13 -
0613-13	OTHER GUIDANCE	- 13 -
13.01	Treatment of Third Party Reviews	- 13 -
13.02	Non-Routine Inspections	- 13 -
13.03	Documenting Backfit Items	- 14 -
0613-14	COMPILING AN INSPECTION REPORT	- 14 -
14.01	Cover Letter	- 14 -
14.02	Notice of Violation	- 15 -
14.03	Cover Page	- 16 -
14.04	Table of Contents	- 16 -
14.05	Inspection Report Content	- 16 -
0613-15	ISSUING INSPECTION REPORTS	- 19 -
15.01	Report Issuance	- 19 -
15.02	Report Timeliness	- 19 -
0613-16	RELEASE AND DISCLOSURE OF INSPECTION REPORTS AND ASSOCIATED DOCUMENTS	- 20 -

APPENDIX A	Acronyms Used in IMC 0613
APPENDIX B	Issue Screening
APPENDIX C	Guidance for Construction Supplemental Inspection Reports
APPENDIX D	Issuance of Non-Cited Violations Enforcement Discretion Determination
APPENDIX E	Examples of Greater-than-Minor Construction Violations
APPENDIX F	Construction Cross-Cutting Components and Aspects
ATTACHMENT 1	Construction Findings Flowchart
ATTACHMENT 2	Revision History for IMC 0613

0613-01 PURPOSE

To provide guidance for screening of inspection results and define the content and format for power reactor construction inspection reports.

NOTE

This Manual Chapter will also be used to document inspection of “limited pre-construction activity”. When screening and documenting these results the terms “applicant” and “limited pre-construction activity”, as defined herein, should be substituted for “licensee” and “construction” throughout this manual chapter, where applicable, to denote inspection activities prior to the issuance of a license (e.g., COL or ESP).

0613-02 OBJECTIVES

02.01 To screen inspection results to determine if issues warrant documentation in inspection reports.

02.02 To ensure inspection reports clearly communicate significant inspection results in a consistent manner to licensees, NRC staff, and the public.

02.03 To document the basis for enforcement action.

02.04 To provide inspection results as input to the “Periodic Assessment of Construction Inspection Program Results,” (IMC 2505).

0613-03 DEFINITIONS

Definitions can be found in IMC 2506

Limited Pre-Construction Activity: Any activity conducted prior to issuance of a COL by the applicant or contracted suppliers on behalf of the applicant associated with a proposed ITAAC for safety-related components or portions of the proposed facility and occurring at other than the final, in-place location at the facility

0613-04 RESPONSIBILITIES AND AUTHORITIES

04.01 General Responsibilities. NRC inspection results associated with new reactor construction shall be screened and documented in accordance with the guidance provided in this inspection manual chapter. NRC inspection results associated with vendor inspections and quality assurance inspections led by NRC Headquarters related to new reactor construction shall follow the guidance provided in IMC 0617, 2507 and 2502.

04.02 Inspectors.

- a. All power reactor construction inspectors have the primary responsibility for ensuring that their inspection activities and findings are accurately reported and documented in CIPIMS for the areas they inspected; that referenced material is correctly identified; and that the scope and depth of findings are adequately supported by documented examples.
- b. All power reactor construction inspectors are responsible for ensuring that the content of inspection reports does not conflict with information presented at exit meetings. When inspection report contents differ significantly from the information presented at an exit meeting, the inspector (or the report reviewer) shall discuss those differences with the licensee before the report is issued. All such discussions with the licensee shall be documented in a summary statement in the inspection report.

04.03 Deputy Regional Administrator for Construction. The Deputy Regional Administrator for Construction shall determine the appropriate level of management responsible to review and approve power reactor construction inspection reports.

04.04 Regional Branch Chiefs and Division Directors.

- a. The management reviewer shall ensure that inspection observations and findings are consistent with NRC policies and technical requirements, and ensure that violations are addressed in accordance with the NRC Enforcement Policy and the NRC Enforcement Manual.
- b. The applicable management reviewer is responsible for inspection report content, tone, regulatory focus, and issuance timeliness.
- c. The management reviewer responsible for the associated project shall approve final inspection reports. Reports containing potential escalated enforcement should be approved at least one management level above the Branch Chief.

04.05 Division of Construction Inspection and Operational Programs (DCIP), Office of New Reactors (NRO).

- a. The NRO's DCIP division is responsible for inspection program development, for providing interpretations of the information contained in this manual chapter, for answering questions related to the guidance, and for providing guidance for situations not covered in this manual chapter.
- b. The NRO branch responsible for inspection program development will process feedback and comments associated with this manual chapter.

0613-05 SCREENING INSPECTION RESULTS

The evaluation of 10 CFR Part 52 power reactor construction inspection results begins with a screening to determine if a construction issue will be documented for consideration in the periodic assessment of construction inspection program results. The process for screening construction issues is described in the following sections. Detailed instructions are provided in Appendix B of this Chapter.

05.01 Screen for a Violation of Regulatory Requirements. The evaluation of a construction issue begins with a screening to determine if it is a violation of regulatory requirements. Use Section 1-1 of Appendix B to screen construction issues. For issues with multiple examples, each example should be screened separately. Deviations from licensee commitments and contractor Nonconformances with commitments related to 10 CFR Part 50, Appendix B should also be screened separately.

If the construction issue is determined not to be a violation, the issue is not normally documented and the licensee is informed. Since observations are not findings, they will not be considered in the **Construction Reactor Oversight Process (cROP)** assessment program, and in most cases will not be documented. See Section 0613-07 for exceptions for documenting observations. If the construction issue is determined to be a violation, then proceed to Section 05.02.

If additional information is needed to determine if the construction issue is a violation, then the issue is an unresolved item (URI) and should be documented in accordance with Section 0613-10. URIs should be used infrequently as they are only for issues that cannot be finalized during the inspection and are likely to result in a violation.

05.02 Screen for Enforcement Categories. This screen is used to determine if a violation warrants consideration of enforcement action using severity levels and possible civil penalties by virtue of being in one of the following categories: had actual safety consequences; had the potential to impact the NRC's ability to perform its regulatory function; or involved willful aspects. Screen the violation using Section 1-2 of Appendix B.

If the violation is involved with one of these categories, it is a finding. Proceed to Section 05.04 to screen for identification credit.

If the violation is not involved with one of these categories, then continue to Section 05.03 to screen for greater-than minor significance.

05.03 Screen for Greater-than-Minor Significance. A violation must be greater-than minor to be considered a finding. For construction issues, examples of minor violations are provided in Appendix E to this chapter. Examples of minor violations are also provided in the Enforcement Manual. If the violation is similar to a minor example, then the violation is minor. If the violation is not similar to the "minor" description, then the "screen for greater-than-minor" questions in Appendix B, Section 1-3, must be used to

determine if the violation is greater-than-minor and, therefore, a finding that warrants documentation.

If the violation is minor, it is not a finding, will not be considered in the cROP assessment program, and, in most cases, will not be documented. See Section 0613-11 for the exceptions to documenting minor issues.

05.04 Screen for Identification Credit. Findings must be analyzed using the screening criteria listed in Appendix B, Section 1-4, to determine the appropriate identification credit for the finding (i.e., NRC-identified, licensee-identified, or self-revealing).

Licensee-identified and self-revealing findings that do not meet the screening criteria in Appendix B, Section 1-4, will not be considered in the CIP assessment process. These findings will be documented in accordance with Section 0613-09. Proceed to Section 05.06.b to determine the appropriate enforcement action for the finding.

NRC-identified findings and findings that meet the screening criteria specified in Appendix B, Section 1-4, are subject to enforcement action and are considered in the cROP assessment program. These findings will be documented in accordance with Section 0613-08. Proceed to Section 05.05 to analyze for construction cross-cutting component aspects.

05.05 Analyze for Construction Cross-cutting Component (CSFC) Aspects. All NRC-identified, all self-revealing, and licensee-identified findings that meet the screening criteria specified in Appendix B, Section 1-4, shall be assessed for potential construction cross-cutting component aspects.

Assess the cause(s) of the finding to identify a potential construction cross-cutting component aspect using the guidance and questions in Appendix B, Section 1-5. The construction cross-cutting component aspect of a finding is not considered a separate finding but rather a performance characteristic that is the most significant contributor to the finding, if applicable. The intent of identifying the construction cross-cutting component aspect of a finding is so that insight can be used in the assessment process. It should be noted that not all findings have a construction cross-cutting component aspect associated with them.

Once the issue is screened for construction cross-cutting component aspects, proceed to Section 05.06 to screen for the type of finding and the appropriate enforcement action.

05.06 Screening for Type of Finding and Applicable Enforcement Action. All NRC-identified findings and self-revealing and licensee-identified findings that meet the screening criteria specified in Appendix B, Section 1-4, must be analyzed using the screening criteria listed in Appendix B, Section 1-6, to determine the type of finding (i.e., Construction Finding, ITAAC-Related Construction Finding, or ITAAC Finding).

All findings must be analyzed using the screening criteria listed in Appendix B, Section 1-7, to determine the appropriate enforcement action. If the finding is Severity Level IV,

then the issue must be evaluated to determine if it should be cited or non-cited in accordance with the NRC Enforcement Policy. In order to designate a finding as a non-cited violation (NCV), the **adequacy** of the licensee's corrective action program (CAP) must have been verified through NRC inspection in accordance with IP 35007 "QA Program Implementation During Construction," Appendix 16. Document NRC-identified findings in accordance with Section 0613-08. Document licensee-identified and self-revealing findings that do not meet the screening criteria specified in Appendix B, Section 1-4, in accordance with Section 0613-09.

If the finding is potentially greater than Severity Level IV, then the finding is an apparent violation (AV). The appropriate enforcement action will be determined in accordance with the NRC Enforcement Policy. Document the finding in accordance with Section 0613-08.

0613-06 DOCUMENTING INSPECTION RESULTS

To support the CIP, a computer based application called the Construction Inspection Program Information Management System (CIPIMS) has been developed. CIPIMS is a **management tool used to document, organize, and track information collected** during inspections

Report numbers for all inspections will be assigned as the planned inspections are entered into the Inspection Planning (IP) module of the Reactor Programs System (RPS). Instructions for entering data into RPS are contained in IMC-0306, "Information Technology Support for the Reactor Oversight Process."

Inspectors will enter inspection results into CIPIMS under a specific docket number and inspection report number that are associated with the facility being inspected and the inspection report period. Each separate inspection result entry into CIPIMS is designated as an inspection item and will be assigned a sequential number. Inspection activities that result in a violation and are greater-than-minor will be designated as a "Finding." Inspection items for which it is unknown whether or not a violation occurred will be designated as an "Unresolved Item." Further information on the use of CIPIMS **will be** available in the "Construction Inspection Program Information Management System (CIPIMS) User's Guide." Sample inspection report cover letters and a sample inspection report are located on the NRO Construction Inspection Program Web site.

0613-07 DOCUMENTING INSPECTION RESULTS WITH NO FINDINGS AND DOCUMENTING OBSERVATIONS

Documentation of inspection results for which there is no associated finding in CIPIMS requires four sections to be completed: title, scope, **findings**, and documents reviewed. Follow the guidance in the appropriate sub-sections in Section 0613-08 on how to document these areas. In the findings section include the statement "No findings of significance were identified." The discussion of the observation, if warranted, should follow this sentence.

Observations not directly related to a finding may be documented if allowed by an appendix to this manual chapter or by a specific inspection procedure or temporary instruction. Otherwise, if an observation has no NRC regulatory significance, the observation is not documented in the inspection report, is not discussed in the NRC inspection exit meeting, and is not considered in the periodic assessment of construction performance. Observations should be entered into CIPIMS as noted above only if there is a compelling reason to include the observation. It is expected that the documentation of observations occurs infrequently.

0613-08 DOCUMENTING NRC-IDENTIFIED, SELF-REVEALING, AND LICENSEE-IDENTIFIED FINDINGS THAT MEET THE SCREENING CRITERIA SPECIFIED IN APPENDIX B, SECTION 1-4

Documentation of findings in CIPIMS requires five sections to be completed: title, scope, summary, findings, and documents reviewed. In the findings section of CIPIMS, a three-part format is used to document findings: description, analysis, and enforcement. The sample inspection report provides examples on how to apply the principles described in the sections below.

08.01 Title. The finding title should concisely describe the focus of the inspection.

08.02 Scope. The scope identifies the areas of focus for the inspection and how the inspector(s) examined these areas (document review, visual verification, associated ITAAC or ITAAC family, etc.). Sufficient detail should be provided so that a knowledgeable person could understand exactly what was inspected. A complete and accurate description is important so that when the construction inspection program concludes, the NRC can demonstrate that all required inspection areas were completed. The results of the inspection should not be included in the scope.

08.03 Summary. The summary section of the construction issue is used to briefly document the overall conclusions reached during the inspection. These conclusions should include a brief synopsis of what type of finding was identified and what regulatory requirement was not met.

08.04 Findings. The findings section is used to document the following:

- Construction Findings
- ITAAC-Related Construction Findings
- ITAAC Findings

The findings text will be further divided into the following subsections: Description, Analysis, and Enforcement.

- a. Description. This section provides the details, facts and supporting information associated with the finding. There should be sufficient detail for the reader to understand the issue. The level of detail should reflect the actual or potential

safety consequence associated with the finding. Significant or potentially significant findings may merit more discussion.

If a finding is likely to have generic construction or design concerns, then include specific details to identify the item of concern. Describe the generic aspect in sufficient detail commensurate with the significance for the reader to understand the issue or event, evaluation of significance and construction **cross-cutting** component aspect and enforcement conclusions. Findings with generic concerns should include specific details to identify the item of concern.

- b. Analysis. The Analysis section describes the nature of the finding and should provide sufficient detail in discussing the logic used by the inspector in screening an issue. Include a description of any positive or negative licensee performance that either mitigated or exacerbated a potential problem and influenced the significance of the finding. Discuss licensee corrective actions, as applicable.

Describe the logic used to determine the violation, the bases for greater-than-minor, the severity level of the violation (except for apparent violations), and applicability of the construction **cross-cutting** component aspects. The level of detail must allow a knowledgeable reader to reconstruct the decision logic used to arrive at the final conclusion.

1. The first part shall include the following attributes:
 - (a) A concise restatement of the violation (i.e., the issue of concern that resulted from the requirement not met);
 - (b) The enforcement screening category (Section 05.02) that was met, if applicable; and
 - (c) The specific circumstances for a “greater-than-minor” determination.
2. The second part should include the specific basis for the determination of the significance (severity level) of the finding so the reader can independently arrive at the same conclusion. The second part of the analysis section should describe the logic for determining the severity level, including reference to the Enforcement Policy **sections**, as applicable.
3. The third part of the analysis section should include the basis for assigning, or not assigning, the construction **cross-cutting** component aspect, if applicable. Specifically:
 - If the finding has a construction **cross-cutting** component aspect, inspectors shall specify which Construction cross-cutting area component was selected and briefly state the construction **cross-**

cutting component aspect. Additional information is necessary to explain how the selected construction **cross-cutting** component aspect is applicable to the specific circumstances of the finding. The inspectors shall also include the corresponding alphanumeric identifier (paragraph number, e.g. A.3(a)) from Appendix F for the construction **cross-cutting** component aspect;

- If it was determined the finding does not have a construction **cross-cutting** component aspect, the analysis section must include a statement briefly stating the reason for not assigning a construction **cross-cutting** component aspect; and
- If the licensee provides new information after the inspection report is issued, this information will be assessed to determine if a change in the original construction **cross-cutting** component aspect of the finding is appropriate.

- c. **Enforcement.** Describe the applicable enforcement action for the finding. Findings found or reviewed during inspections are documented in accordance with the NRC Enforcement Policy and the guidance provided below. The enforcement discussion and subsequent enforcement action must be consistent with the significance determination.

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

In addition, 10 CFR Part 50, Appendix B, Criterion XVI, violations for failure to preclude repetition can only be written for significant conditions adverse to quality (SCAQ). The inspection report details must clearly explain the basis for determining the previous condition was a SCAQ (e.g., the condition meets the definition of a SCAQ per the licensee's corrective action program or a construction deficiency per 10 CFR part 50.55(e)), the relationship between the previous SCAQ and the current one, and the corrective actions from the previous SCAQ that failed to prevent recurrence.

Document the enforcement aspect of the finding as described below:

- What requirement was violated;
- When the violation occurred and how long it existed;
- Any actual safety consequence (if not described earlier);

- Immediate corrective actions taken to restore compliance (if not described earlier);
- A reference to the licensee’s corrective action document number;
- Specific enforcement actions (except for apparent violations); and
- Tracking number resulting from the violation (e.g., NCV, NOV, or AV Tracking Number).

For Severity Level IV violations that meet NCV criteria, state:

“Because this violation was of very low safety significance, was not repetitive or willful, and was entered into the licensee’s corrective action program, this violation is being treated as an NCV (*insert the tracking number here*), consistent with the NRC Enforcement Policy.”

For an NOV, the specific enforcement action should state:

“Because the [licensee failed to (correct the violation, enter the condition into the corrective action program, prevent recurrence)] or [licensee’s corrective action program had not yet been demonstrated to be **adequately** implemented] this violation is being treated as an NOV, consistent with the NRC Enforcement Policy.” In addition, see the Enforcement Manual for guidance on developing the notice and cover letter.

For a finding with a violation in which enforcement discretion is applied and for apparent violations, work with the Office of Enforcement through the Regional Enforcement Coordinator to develop appropriate wording for the Enforcement section. See the Enforcement Manual for standard paragraphs to be included and additional guidance on apparent violations.

08.05 Documents Reviewed. The Documents Reviewed area in CIPIMS allows an inspector to provide a list of documents that were inspected. The intent is not to document every record or document an inspector reviewed, but rather to document only those that were reviewed in detail and are essential in supporting a conclusion on the adequacy of licensee work, including supporting a finding.

0613-09 DOCUMENTING SELF-REVEALING AND LICENSEE-IDENTIFIED FINDINGS THAT DO NOT MEET THE SCREENING CRITERIA SPECIFIED IN APPENDIX B, SECTION 1-4

NRC policy requires that all documented violations be dispositioned in accordance with the Enforcement Policy, regardless of who identified them. However, licensee-identified findings and self-revealing findings that do not meet the screening criteria specified in Appendix B, Section 1-4 and are incorporated into the licensee’s corrective action

program should have minimal documentation. See Section 0613-03 for definitions of licensee-identified and self-revealing findings.

Licensee-identified and self-revealing findings that do not meet the criteria of Appendix B, Section 1-4, shall be screened in accordance with Appendix B, Section 1-7, to determine if they meet the non-cited violation (NCV) criteria. If the finding meets the non-cited violation criteria, the following introductory paragraph must be included: "The following Severity Level IV violation(s) was/were identified by the licensee (or were self-revealing) and are violations of NRC requirements which meet the criteria of the NRC Enforcement Policy, for being dispositioned as a Non-Cited Violation."

Include the requirement(s) violated, describe how it was violated, identify the licensee's corrective action tracking number(s), and provide a very brief justification why the violation is of very low safety significance.

If the finding does not meet the NCV criteria, document the finding in accordance with Section 0613-08. **Document licensee identified and self-revealing findings that do not meet the criteria of Appendix B, section 1-4, in the inspection report under Part III, Other Inspection Results.**

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.

0613-10 DOCUMENTING UNRESOLVED ITEMS (URIs)

10.01 Opening URIs. **URIs are only for issues that will likely be violations.** Open a URI when an issue requires additional information from the licensee or cannot be resolved without additional guidance or clarification/interpretation of the existing guidance. The action of documenting an URI is a commitment of future resources, and should be used sparingly. URIs shall not be opened to track completion of licensee's actions associated with a finding or an inspection question.

Documenting URIs requires four sections to be completed in CIPIMS: title, scope, findings, and documents reviewed. Because URIs are not findings, the summary section is not required. The findings section should describe the issue with sufficient detail to allow another inspector to complete the inspection effort, if necessary. The report must clearly identify the specific licensee or NRC actions needed to resolve the issue. The URI should be assigned a tracking number the same as a finding but with a URI designator in the front. Unresolved items are not documented in the inspection report cover letter.

10.02 Closing URIs. The level of detail devoted to closing URIs depends on the nature and significance of the additional information identified. The closure of a URI must summarize the topic, summarize the inspector's follow-up actions, evaluate the adequacy of any licensee actions, determine if a violation has occurred, and provide enough detail to justify closing the item. If resolution to an URI was based on

discussions between inspector(s) and NRO technical staff(s), concisely document the details of these discussions as the basis for the regulatory decision. Additionally, branch chiefs of inspector(s) and technical staff(s) who were involved in these discussions should concur on the inspection report.

If a finding is identified, follow the guidance described in Section 0613-08. If no findings were identified, follow the guidance in Section 0613-07. If a minor violation is identified, document it in accordance with Section 0613-11.

0613-11 DOCUMENTING MINOR VIOLATIONS

11.01 Minor Violations. Minor violations are not routinely documented in inspection reports. However, as stated in the Enforcement Policy/Manual, there may be exceptions. Documenting a minor violation may be warranted as part of closing out a Construction Deficiency Report (CDR), Unresolved Item, or follow-up to an allegation. Licensees are required to correct minor violations. If it is necessary to document a minor violation, then only minimal discussion is required. Documentation of minor violations requires three sections to be completed in CIPIMS: title, scope, and findings. Complete the title and scope as described above. In the findings section, briefly describe the issue of concern, state that the issue has been addressed by the licensee and 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.”

Do not use the Description, Analysis, or Enforcement sub sections when documenting minor violations.

0613-12 DOCUMENTING FINDINGS ASSOCIATED WITH CONSTRUCTION DEFICIENCY REPORTS (10 CFR PART 50.55(e))

12.01 Closure of CDRs. Document reviews and closures of CDRs, including revisions to CDRs, in the inspection report under Part III, Other Inspection Results. In general, CDR reviews should have a brief description of the event and reference the docketed CDR. If a CDR review is already documented in a separate NRC correspondence, then close the CDR with a brief statement in an inspection report referencing the separate correspondence.

The event described in the CDR needs to be evaluated for a potential violation and must be identified clearly in the inspection report as a cited violation, non-cited violation, or as a minor violation, as appropriate, or warranting enforcement discretion. Screen any violations in accordance with Section 0613-05. In addition to the information described above, document closure of the CDR as follows:

- a. No violations: state the CDR was reviewed and that no findings of significance were identified.
- b. Minor Violations. Use guidance in Section 0613-11.
- c. NRC-Identified or licensee-identified/self-revealed violations that meet the screening criteria of Appendix B, Section 1-4: The safety significance and enforcement should be discussed per Section 0613-08 of this manual chapter and not in the CDR closeout section. A statement, such as “The enforcement aspects of this finding are discussed in Part II of this report,” should be included in the CDR closeout section.

- d. Licensee-identified/self-revealed violations that do not meet the screening criteria of Appendix B, Section 1-4: The safety significance and enforcement should be discussed per Section 0613-09 of this manual chapter and not in the CDR closeout section. A statement, such as “The enforcement aspects of this finding are discussed in Part II of this report,” should be included in the CDR closeout section.

12.02 Closure of Cited Violations. Document the closure of cited violations in Part III. The level of detail required to document closure of cited violations depends on the extent of corrective actions conducted by the licensee. In general, the write-up must summarize the inspector's follow-up actions which evaluated the adequacy of any licensee actions and provide enough detail to justify closing the violation.

0613-13 OTHER GUIDANCE

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

INPO findings, recommendations, corrective actions, and operating experience which are placed in the licensee's corrective action program, can be considered appropriate for inspection. Additionally, when documenting review of these issues which originated from INPO, inspection reports should not refer to any proprietary INPO reports or documents, INPO reference numbers, or identify specific sites when referencing operating experience. If it is necessary to document review of an INPO document (i.e., an evaluation referring to the INPO document was an inspection sample or justification for a construction **cross-cutting** component aspect), then state the reference number of the reviewed item (e.g., condition report or evaluation number) and provide general words for the title, if applicable (e.g., “Condition Report No. 235235 concerning industry information on pumps”).

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

13.02 Non-Routine Inspections. Document inspection activities related to Construction Supplemental Inspections in accordance with Appendix C. Document in

Part III inspection results from temporary instructions (TIs) and other non-routine inspection activities (generic communication closure, etc.) not addressed in this manual chapter. In some cases, factual observations may have to be documented. If it is necessary to document an observation or a minor violation, follow the guidance in Section 0613-07 or Section 0613-11 respectively.

13.03 Documenting Backfit Items. When a backfit is identified, it is necessary to track the completion of the licensee's actions to correct the identified condition. Document this tracking in Part III and classify the backfit item as a violation. When inputting into CIPIMS, enter the following:

“This issue is a compliance backfit. By definition, the licensee was put on notice that they are in violation. This item was created to ensure appropriate NRC inspection of the licensee's corrective actions required to ensure compliance - similar to follow-up from an NOV.”

0613-14 COMPILING AN INSPECTION REPORT

Each inspection report will have a cover letter, cover page, summary of findings (if applicable), report details, and attachments as described in this section. A table of contents is optional. Once CIPIMS is fully deployed, it is expected that inspection reports in the required format will be generated by CIPIMS. The following additional guidance applies:

- Construction supplemental inspection results must also reflect the additional guidance provided in Appendix C;
- IP 35007, “Part 52, Identification and Resolution of Construction Problems,” results have varying thresholds for documentation and must reflect the guidance provided in Appendix D;
- Escalated enforcement actions and cited violations must reflect the guidance found in the Enforcement Manual, Appendix B, “Standard Formats for Enforcement Packages”; and
- Issues which are subject to enforcement discretion must reflect the guidance found in the Enforcement Manual.

14.01 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 to the designated licensee executive. [The sample inspection report on the NRO web page and Appendix B of the Enforcement Manual](#) contain sample cover letters for inspection reports containing enforcement actions (violations, apparent violations, deviations, non-conformances, etc.). Cover letter content varies somewhat depending on whether the inspection identified significant findings or security-related information is involved. In general, every cover letter has the same basic structure, as follows:

- a. **Date, Addressee, 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 cover letter is signed and the report issued. 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.

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.

- b. **Subject Line.** The subject line of the letter should state the facility name (if it is not apparent from the Addressee line) and the inspection subject. The words "NOTICE OF VIOLATION" should be included if such a notice accompanies the inspection report. The entire subject line should be capitalized.
- c. **Introductory Paragraph.** The first two paragraphs of the cover letter should give a brief introduction, including the type of inspection report.
- d. **Body of the Letter.** In keeping with the need to communicate in "Plain English", 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 of the items inspected and the inspection procedures used. It will note the areas covered by the inspection.

In general, the body of the cover letter should focus on clearly communicating a few main points (or a single point) that are well-supported by the report details, rather than attempting to deliver a large number of points or extensive detail. If no significant issues were raised by the inspection, this section should briefly summarize the scope of specific inspection activities performed to give perspective to the conclusion that no deficiencies or significant issues were identified.

- e. **Closing.** The final paragraph consists of standard legal language that varies depending on whether enforcement action is involved.

The final paragraph consists of a statement regarding the public availability of the inspection report and associated correspondence. The signature of the appropriate NRC official is followed by the list of enclosures and distribution.

14.02 Notice of Violation. Licensees are officially notified that they have failed to meet regulatory requirements when NRC issues a Notice of Violation (NOV). 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 the basis, but they must understand the NRC 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 timing is important) will be provided. The intent 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.

14.03 Cover Page. The inspection report cover page will contain the docket number, license number, report number, licensee, facility, location, dates of inspection, the names and titles of participating inspection team members, accompanying individuals, and the name, and title of the approving NRC official.

14.04 Table of Contents. If a report is considered complicated or of significant length, then use of a table of contents is encouraged but not required. If the inspection report, from the Report Details section to the exit interview section, is more than 20 pages long, a table of contents should be considered.

14.05 Inspection Report Content. The detailed content of the body of the inspection report is discussed in the following sections.

- a. Summary of Findings [Part I of the Report]. The Summary of Findings section will consist of identified findings. If there are no findings the section will consist of the statement 'No Findings of Significance'. Information in this section includes:
 - Inspection Procedure and Title
 - Additional Procedure and Title
 - Finding Number (which is automatically assigned when the report is generated)
 - Finding Title
 - Summary Text

- b. Report Details [Part II of the Report]. The Report Details section will consist of all inspection activities entered for the Inspection Report. Information in this section includes:
 - EA Number (if applicable)
 - Finding/Inspection Item title
 - Family / ITAAC No. (if applicable)

- Inspection Procedure and Title
 - Additional Procedure and Title
 - Scope text
 - Findings text (if applicable):
1. The Findings section should be used to present, in a concise but narrative format, the findings identified by the inspection team members. This should include a discussion of the policies and procedures governing the licensee's programs for each area reviewed, a description of the inspection sample evaluated by the inspection team (e.g., portions of the combined license (COL), test results, calculations, design packages, drawings, technical reports, etc.), and the results of the inspection evaluations conducted. The inspector may choose to simply number issues sequentially, with appropriate subheadings, or may use another method of organizing the findings.

The Findings section is subdivided into three distinct sections: Description, Analysis, and Enforcement.

If no findings were identified, the Findings section should not be subdivided as discussed above and should include the following statement: "No significant findings were identified."

2. In those cases where a standard format is not readily applied, the most important subject should be identified first, followed by a discussion of major topics identified in descending order of significance. Exceptions to the standard format include:
 - Construction Supplemental Inspection (CSI) reports;
 - Augmented Inspection Team (AIT) reports;
 - Special Inspection Team (SIT) reports, and;
 - Other cases where the specifically directed focus of the inspection does not easily fit into the standardized report outline.
- c. Other Inspection Results [Part III of the Report]. The other inspection results section will be used to document the results of inspections, such as license-identified or self-revealing NCVs, closing URIs with no findings, closing CDRs etc.
- d. Exit Meeting Summary [Part IV of the Report]. The final section of each inspection report should include a brief summary of the exit meeting conducted in conjunction with the inspection. This information will also be described in the first paragraph of the cover letter. The exit meeting summary must also include the following information:
 - Proprietary Information. At the exit meeting, the inspectors will verify whether the licensee considers any materials provided to or reviewed by the inspectors to be proprietary. If the licensee did not identify any

material as proprietary, include a sentence to that effect in the exit meeting summary. Refer to IMC 0620 for actions to take if the report includes proprietary material.

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

- Subsequent Contacts or Changes in NRC Position. If the NRC position on an inspection finding changes after the exit meeting, conduct an additional exit meeting to discuss that change with the licensee. Also, document the additional exit meeting in the inspection report.
 - Characterization of Licensee Response. Do not characterize a licensee's exit meeting response. If the licensee disagrees with an inspection finding, this position may be characterized by the licensee in its formal response to the inspection report, if applicable.
 - Oral Statements and Regulatory Commitments. Do not attempt to characterize or interpret any oral statements the licensee makes, at the exit meeting or at any other time during the inspection, as a commitment. Licensee commitments are documented by licensee correspondence, after which they may be referenced in the inspection report. Oral statements made or endorsed by a member of licensee management authorized to make commitments are not regulatory commitments unless they are documented as such by the licensee. For further guidance on licensee commitments, see Agency-wide Documents Access and Management System (ADAMS) Accession Nos. ML003680088 (NEI 99-04), ML003680078 and ML003679799 (NEI Cover Letter and SECY 00-045 endorsing NEI 99-04 guidance). Because regulatory commitments are a sensitive area, ensure that any reporting of licensee statements contain appropriate reference to the licensee's document.
- e. Personnel Contacted. The inspection report should include a list of the individuals who furnished relevant information or were key points of contact during the inspection (except in cases where there is a need to protect the identity of an individual). The list should not be exhaustive but should identify those individuals who provided information related to developing and understanding findings. The list includes the most senior licensee manager present at the exit meeting and NRC technical personnel who were involved in the inspection if they are not listed as inspectors on the cover page.
- f. List of Acronyms. Consider including a list of acronyms for any report whose Details section exceeds 20 pages. For reports in which a relatively small number of acronyms have been used, the list is optional. The list is also optional if more than 20 pages and the number of acronyms are relatively small.

In all cases, however, acronyms should be spelled out when first used in inspection report text.

0613-15 ISSUING INSPECTION REPORTS

15.01 Report Issuance

- a. Periodicity of Issuing Reports during Construction and Testing. Post-COL or Limited Work Authorization (LWA) Issuance: During the course of site construction activities, the responsible inspection organization should establish an appropriate periodicity (e.g., 30, 60, or 90 days) for integrated reports.
- b. Responsible Organization for Reports. For each reactor docket, the assigned division director or designated branch chief shall be responsible for the report content, tone, conclusions, and overall regulatory focus for all inspection reports. This responsibility includes resolution of discrepancies discovered during the review process, and the final “locking” of applicable CIPIMS entries by the entry of the ADAMS ML number for the report.

15.02 Report Timeliness

a. General Timeliness Guidance

1. CIPIMS entries should be completed, and reviewed by supervision within guidelines established by the appropriate Division of Construction Projects Branch Chief.

Note: Even without access to CIPIMS during inspections, inspectors can complete their inspection inputs in any word processing program available and later cut and paste the construction issue into CIPIMS.

2. Inspection reports should be issued in 45 calendar days after inspection completion, with the exception of AIT reports, which should be issued within 30 days.
3. Inspection reports covering potential escalated enforcement action should be accelerated, as necessary, and issued no later than 45 calendar days after inspection completion. Consideration should be given to creating a separate report to document apparent violations.

Note: Inspection completion for team inspections is defined as the day of the exit meeting. For integrated or resident inspection reports, inspection completion is defined as the last day covered by the inspection period.

- b. Expedited Reports Documenting Significant Impact on ITAAC. Inspection reports covering ITAAC findings, especially during the final few months prior to the scheduled fuel load, should be considered for acceleration of timeliness

goals. In these cases, an expedited inspection report should be prepared that is limited in scope to the ITAAC finding(s) involved.

0613-16 RELEASE AND DISCLOSURE OF INSPECTION REPORTS AND ASSOCIATED DOCUMENTS

Except for report enclosures containing exempt information, all final inspection reports will be routinely disclosed to the public. Exempt information includes, but is not limited to, the following:

- Information meeting the requirements for withholding from public disclosure as specified in 10CFR 2.390 and 10 CFR 9.17
- Information pertaining to ongoing allegations as discussed in Management Directive 8.8, "Management of Allegations"
- Exempt information as described in IMC 0620, "Inspection Documents and Records"
- Sensitive unclassified information (e.g., safeguards information, official use only, proprietary information)
- Proprietary and Business Sensitive Information

END

APPENDIX A

Acronyms Used in IMC 0613

ADAMS	Agency-wide Documents Access and Management System
AIT	Augmented Inspection Team
AV	Apparent Violation
CAP	Corrective Action Program
CAQ	Condition Adverse to Quality
CCIB	Construction Inspection and Allegation Branch (of NRO DCIP)
CDR	Construction Deficiency Report
CFR	Code of Federal Regulations
CIP	Construction Inspection Program
CIPIMS	Construction Inspection Program Information Management System
CSI	Construction Supplemental Inspection
COL	Combined License
COLA	Combined License Application
cROP	Construction Reactor Oversight Process
cSCCI	Construction Substantive Cross-Cutting issue
DCIP	Division of Construction Inspection & Operational Programs
EA	Enforcement Action
ECR	Engineering Change Request
ESP	Early Site Permit
IMC	Inspection Manual Chapter
INPO	Institute of Nuclear Power Operations
IP	Inspection Procedure
ITAAC	Inspections, Tests, Analyses, and Acceptance Criteria
LWA	Limited Work Authorization
M&TE	Measuring and Test Equipment
NCV	Non-Cited Violation
NEI	Nuclear Energy Institute
NOV	Notice of Violation
NRC	Nuclear Regulatory Commission
NRO	Office of New Reactors
NRR	Office of Nuclear Reactor Regulation
OE	Office of Enforcement
OI	Office of Investigations
PDF	Portable Document Format
PI&R	Problem Identification and Resolution
QA	Quality Assurance
ROP	Regulatory Oversight Process
RPS	Reactor Program System
SCAQ	Significant Condition Adverse to Quality
SIT	Special Inspection Team
SSC	Structure, System or Component
SCWE	Safety Conscious Work Environment
TI	Temporary Instruction
URI	Unresolved Item

APPENDIX B

Issue Screening

Use the following instructions and Figure 1 to determine if (1) a construction issue has significance to warrant further analysis and/or documentation; (2) a finding has a construction **cross-cutting** component aspect; (3) the type of finding, and (4) if the violation should be cited or non-cited.

Section 1-1. Screen for Violation of Regulatory Requirements

- a. Answer the following question to determine if the issue of concern is a violation:

NOTE

For limited pre-construction activity inspections the only regulatory requirements that apply are 10 CFR Part 50 Appendix B criteria and 10 CFR Part 21. If it is not a violation of Appendix B or Part 21 then the inspector would have to say “No” to Section 1-1 (a) for these inspections.

Was the construction issue the result of the licensee’s failure to meet an NRC requirement?

- b. If additional information is needed to determine if the construction issue is a violation, then the issue is a URI. Go to Section 0613-10 for documentation guidance.
- c. If the answer to the violation question is “No,” the construction issue is not normally documented. Go to Section 0613-07 for documentation guidance.
- d. If the answer to the violation question is “Yes,” then the construction issue is a violation. Go to Section 1-2 to screen for enforcement categories.

NOTE

Deviations and Nonconformances should be dispositioned in accordance with Section 2.2 of the NRC Enforcement Manual.

Section 1-2. Screen for Enforcement Categories

The inspector is expected to refer to the Enforcement Policy/Manual for guidance on addressing the following questions:

- Does the issue have actual safety consequence (e.g., overexposure, credible scenarios with potentially significant actual consequences)?

- Does the issue have the potential for impacting the NRC’s ability to perform its regulatory function? For example, a failure to provide complete and accurate information or failure to receive NRC approval for a change in licensee activity, etc.
- Has the Office of Investigations determined that there were willful aspects of the violation?

If the answer to any of the enforcement category questions is “Yes,” then the construction issue is a finding. Go to Section 1-4 of this appendix to screen for identification credit.

If the answer to all of the enforcement category questions is “No,” then continue to Section 1-3.

Section 1-3. Screen for Greater-Than-Minor

Determine whether the violation is greater-than-minor. If the answer to any of the following questions is “YES,” the violation is greater-than-minor. If the answer to all four questions is “NO,” the violation is not greater-than-minor.

The violation:

1. Is the issue similar to the “not minor if” statement of an example in Appendix E?
2. Does the issue, if left uncorrected, represent a condition adverse to quality that renders the quality of a structure, system, or component (SSC) or activity, unacceptable or indeterminate, **AND** the issue is associated with any one or more of the following?
 - A. A deficiency in the design, manufacture, construction, installation, inspection, or testing of a SSC, which required one of the following to establish the adequacy of the SSC to perform its intended safety function: (i) detailed engineering justification; (ii) redesign; (iii) replacement; (iv) supplemental examination, inspection, or test; (v) substantial rework; or (vi) repair
 - B. A non-conservative error in a computer program, design specification, construction specification, design report, drawing, calculation, or other design output document that defines the technical requirements for the SSC
 - C. An irretrievable loss of a quality assurance record; or a record-keeping issue that could preclude the licensee from being able to take appropriate action on safety-significant matters, or from objectively or properly assessing, auditing, or otherwise evaluating safety-significant activities, or

- D. An unqualified process, procedure, tool, instrument or personnel used for a construction activity that either invalidated previously accepted activities, or required requalification
- 3. Does the issue, if left uncorrected, represent a failure to establish, implement or maintain an adequate process, program, procedure, or quality oversight function that could render the quality of the construction activity unacceptable or indeterminate?
- 4. If left uncorrected, could the issue adversely affect the closure of an Inspection, Test, Analyses, and Acceptance Criteria (ITAAC)?

NOTES

1) For these Questions, the associated work activity must have been reviewed by at least one level of applicant / licensee quality assurance, quality control, or other authorized personnel.

2) SSC: Any Structure, System, and Component, which is Safety-Related or has ITAAC requirements.

If the answer to all of the preceding questions is no, the violation is a minor violation. The inspectors inform the licensee of the minor violation and the licensee disposes the minor violation in accordance with its CAP. If the licensee does not disposition the minor violation in accordance with its CAP, then the inspectors screen this as a new construction issue. Normally, minor violations will not be documented. See section 0613-11 for the exceptions to documenting minor violations.

If the answer to any of the preceding questions is yes, the violation is a greater-than-minor violation and is considered a finding. Proceed to Section 1-4 to screen for identification credit.

Section 1-4. Screen for Identification Credit

- a. NRC-identified findings are findings found by NRC inspectors, of which the licensee was not previously aware or had not been previously documented in the licensee's corrective action program. NRC-identified findings also include previously documented licensee findings to which the inspector has significantly added value. Added value means that the inspector has identified a previously unknown weakness in the licensee's classification, evaluation, or corrective actions associated with the licensee's correction of a finding.
- b. Self-revealing findings are those findings that become self-evident and require no active and deliberate observation by the licensee or NRC inspectors to

determine whether a change in process or equipment capability or function has occurred. In most cases, the NRC will **treat self-revealing findings in the same manner as if they were licensee-identified**. However, the NRC will treat a self-revealing issue in the same manner as NRC-identified when one of the following criteria is met:

1. Any of the conditions listed below, Section 1-4 (c), for licensee-identified issues that result in NRC taking specific follow-up actions.
 2. Inspections or tests that yield unexpected results that are outside the scope of the test.
 3. Any issue that resulted from prior missed opportunities or is repetitive in nature due to inadequate corrective action.
 4. Inadequately controlled construction activities that directly cause an event, such as fire which causes damage to safety-related SSCs, etc.
- c. Licensee-identified findings are those findings that are not NRC-identified or self-revealing. Most, but not all, licensee-identified findings are discovered through a licensee program or process. In most cases, **licensee-identified findings and self-revealing findings that do not meet the screening criteria below and are incorporated into the licensee's corrective action program will have minimal documentation**.. However, the NRC will treat a licensee-identified issue in the same manner as NRC-identified when one of the following criteria is met:
1. Any issue that appears to meet the threshold for escalated enforcement action.
 2. Any issue that is related to potential harassment and intimidation or willfulness.
 3. Any technical issue or environmental condition that yields unexpected results not previously observed by the licensee or the NRC such as a significant common cause factor.
 4. Any issue that invalidates the acceptance criteria of a previously closed ITAAC.
 5. An NRC inspector's identification of a previously unknown significant weakness in a licensee's classification, evaluation, or corrective action associated with the licensee's correction of an issue.
- d. If the finding is licensee-identified or self-revealing and did not meet the screening criteria above, proceed to Section 1-7 to determine whether or not the finding should be cited. Document the finding in accordance with Section 0613-09.

- e. If the finding is NRC-identified or is licensee-identified or self-revealing and meets the screening criteria above, proceed to Section 1-5 to screen for construction **cross-cutting** component aspects. Document the finding in accordance with Section 0613-08.

Section 1-5. Screen for Construction Cross-cutting Component Aspect(s)

a. Based on the information developed during the inspection, attempt to identify the most significant contributor that provides the most meaningful insight into what caused the finding to occur. There should typically be only one principal cause and one construction **cross-cutting** component aspect associated with each finding. However, on rare occasions it may be appropriate for some unique or complex inspection findings with multiple root causes to be associated with more than one construction **cross-cutting** component aspect. In these cases, the regional office must obtain concurrence from the NRO Branch Chief responsible for developing and maintaining the construction inspection program. For the case of a finding with multiple examples, consistent with the Enforcement Manual guidance, it is appropriate for the multiple examples to have the same construction **cross-cutting** component aspect.

b. Answer the following question with respect to the most significant contributor of the finding to determine if it has a construction **cross-cutting** component aspect:

(NOTE: Not all findings have construction **cross-cutting** component aspects.)

Is the most significant contributor of the finding similar to one of the construction **cross-cutting** component aspects described in Appendix F?

c. Proceed to Section 1-6 to determine the type of finding that was identified.

Section 1-6. Screen for Type of Finding

Determine whether the finding will be documented as a construction finding, an ITACC-related construction finding, or an ITAAC finding.

NOTE

Findings associated with limited pre-construction activity inspections will routinely be documented as construction findings.

a. If the finding is not associated with a specific ITAAC, then it should be documented as a construction finding.

b. If the finding is associated with a specific ITAAC, determine whether the licensee has issued the ITAAC closure letter.

1. If the answer is no, then determine whether it is material to the ITAAC acceptance criteria.

(a) If the answer is no, then it should be documented as a construction finding.

- (b) If the answer is yes, then it should be documented as an ITAAC-related construction finding.
 2. If the answer is yes, then determine whether it is material to the ITAAC acceptance criteria.
 - (a) If the answer is no, then it should be documented as a construction finding.
 - (b) If the answer is yes, then it should be documented as an ITAAC finding.
- c. NRC Response to Different Types of Findings. NRC disposes the finding in accordance with **the Enforcement Policy**.
 1. If the issue is determined not to be related to a specific ITAAC, NRC will designate it as a construction finding, inform the licensee, and evaluate the **finding** via the Enforcement Policy.
 2. If the issue is determined to be an ITAAC-related construction finding, the staff will inform the licensee and evaluate the **finding** via the Enforcement Policy.
 3. If the issue is determined to be an ITAAC finding, the staff will inform the licensee and evaluate the **finding** via the **Enforcement Policy**. Furthermore, the staff will evaluate the need to re-open other closed ITAACs, determine whether the NRC staff has accepted the licensee's ITAAC closure letter, and, if not, how it will treat the invalid closeout letter. If the staff has not yet accepted the letter, it may reject the closeout letter.
- d. Proceed to Section 1-7 to determine the significance of the finding and the appropriate enforcement action to be taken.

Section 1-7 Screening for Significance and Appropriate Enforcement Action

Refer to the guidance in **Section 6.5** of the Enforcement Policy to determine the appropriate severity level for the violation.

If the significance of the finding is potentially greater than Severity Level IV, then the finding is an apparent violation. The appropriate enforcement action will be determined in accordance with the Enforcement Policy. Document the finding in accordance with Section 0613-08.

If the finding is Severity Level IV, determine if the finding is appropriate to be treated as a non-cited violation. If the licensee's CAP **adequacy** has not been validated, all violations will be cited (see IMC 2505, Section 06.08 for more details). If the CAP **adequacy** has been validated, the inspector is expected to refer to the Enforcement

Policy/Manual for guidance on addressing the following questions:

1. Did the licensee fail to restore compliance within a reasonable time?
2. Did the licensee fail to enter the violation into its corrective action program to address recurrence?
3. Was the violation willful?
4. Was the violation repetitive and NRC-identified?

If the answer to any of the above questions is “Yes”, the violation should be considered for a Notice of Violation. Document these findings in accordance with Section 0613-08.

If the answer to all of the applicable questions is “No”, the violation may be dispositioned as a non-cited violation. If the violation is licensee-identified or self-revealing and does not meet the criteria in Section 1-4, go to Section 0613-09 for documentation guidance. If the violation is NRC-identified, go to Section 0613-08 for documentation guidance.

APPENDIX C

Guidance for Construction Supplemental Inspection Reports

One of the objectives of Inspection Procedures (IP) 90001 and 90002 is to provide an assessment of the licensee's analysis and corrective actions associated with the issue(s) that prompted the **supplemental** inspection. The guidance contained in Inspection Manual Chapter (IMC) 0613 applies equally to the baseline and **supplemental** portions of the power reactor construction inspection program; however, given the nature of **supplemental** inspections, the type of documentation for **supplemental** inspections will be different than for baseline inspections. A construction supplemental inspection report will document the NRC's independent assessment of each inspection requirement and pertinent qualitative observations of the licensee's efforts to identify and address the root cause of the issue prompting the **supplemental** inspection. A separate inspection report will usually be generated for each **supplemental** inspection. All violations and findings must conform to the format guidance provided in IMC 0613. The independent review of the extent of condition and extent of cause called for in IP 90002 should be documented in addition to the other inspection requirements contained in IP 90002. Specific documentation requirements and report format for inspections conducted in accordance with IP 90003 will be provided by the team leader.

Listed below are some general principles that apply to documenting the results of the **supplemental** inspections performed in accordance with IP 90001/90002. These principles supplement the guidance contained elsewhere in IMC 0613.

1. The cover letter of the Construction Supplemental Inspection report should conform to the guidance given for baseline inspection reports, but it should also contain a brief description of the inspection staff's overall conclusion regarding the **adequacy** of the licensee's evaluation and corrective actions associated with the issue(s) that prompted the inspection.
2. A summary of issues for the Construction Supplemental Inspection report should contain the inspection staff's overall assessment of the issue(s). The summary will include any specific findings associated with the licensee's evaluation and findings that emerged during the inspection.
3. The Construction Supplemental Inspection report should contain a description of the inspection scope. This section should describe the purpose and objectives of the inspection and the issue(s) that prompted the inspection. This summary can be taken from a previous inspection report for an inspection-related issue. This section can also include a description of the licensee's preparation efforts for the inspection.
4. The construction supplemental inspection report should contain an assessment for each of the areas listed below, as applicable. For each area, state the inspection requirements prescribed in Section 90001-02/90002-02, "Inspection Requirements," of IP 90001/90002. Provide a synopsis of the licensee's assessment related to the inspection requirement, the inspection staff's

assessment of the licensee's evaluation, and any additional actions taken by the inspector to assess the validity of the licensee's evaluation.

- a. Problem Identification
 - b. Root Cause, Extent-of-Condition, and Extent-of-Cause Evaluation
 - c. Corrective Actions
 - d. Independent Assessment of Extent-of-Condition and Extent-of-Cause (only for IP 90002 inspection reports)
 - e. Safety Culture Consideration (only for IP 90002 inspection reports)
5. For all **supplemental** inspections conducted in accordance with IP 90001/90002, an assessment of the licensee's evaluation and corrective actions associated with the issue(s) should be documented. Negative conclusions regarding aspects of the licensee's evaluation and corrective actions should be supported by examples of violations (i.e., observations or findings). Other conclusions should be supported by a brief statement describing their bases.
6. The construction supplemental inspection report should contain an exit meeting summary, a list of persons contacted, licensee documents reviewed during the inspection, and acronyms used in the inspection report.
7. The recommended signature authority for construction supplemental inspection reports is as follows:
- a. For an inspection performed in accordance with IP 90001/90002 that resulted in no findings or severity level IV violations, the responsible branch chief will sign out the report.
 - b. For an inspection performed in accordance with IP 90001/90002 that resulted in greater than severity level IV violations, the responsible division director will sign out the report.
 - c. For an inspection performed in accordance with IP 90003, the deputy regional administrator for construction will sign out the report.
8. Inspectors should follow the guidance in this manual chapter and the CIPIMS user manual (ML102520101) to record construction supplemental inspection results in CIPIMS.
9. Construction Supplemental Inspection reports should be issued within 45 days of the exit meeting.

APPENDIX D

Issuance of Non-Cited Violations Enforcement Discretion Determination

One of the objectives of Inspection Procedure 35007 is to provide an assessment of the **adequacy** of a licensee's corrective action programs (CAP). Consequently, when inspecting the CAP program the documentation for this inspection can be different from other baseline inspections as it needs to include more qualitative observations in order to assert that the NRC can issue non-cited violations. In case the NRC determines a licensee's CAP has degraded significantly after making a determination to issue non-cited violations the regional staff will need to re-evaluate the **adequacy** of a licensee's CAP. The inspectors will need to assess improvements made to the CAP in accordance with the guidance provided in this document before considering the issuance of non-cited violations. Listed below are some general principles that apply to documenting the results. These principles supplement the guidance contained elsewhere in Inspection Manual Chapter (IMC) 0613.

1. The cover letter for this report should conform to the guidance given for other baseline inspections, but until a determination is made to issue non-cited violations it should also contain a brief description of the team's overall conclusion regarding the **adequacy** of the licensee's CAP whenever it has been evaluated as part of the inspection.
2. The summary of issues for this report should contain the team's overall assessment of the licensee's CAP, on the basis of both the biennial in-depth samples and routine baseline inspections until a determination is made to issue non-cited violations. This overall assessment should also be placed in CIPIMS as an observation.
3. The inspection report should contain an assessment for each of the inspection requirements that were reviewed as part of the inspection (biennial in-depth samples or routine baseline inspections):

- a. Assessment of the Corrective Action Program **Adequacy**

Inspection Scope - Identify the documents that were reviewed and, if applicable, the other activities that were completed to verify that:

- The licensee is identifying problems at the proper threshold and entering them into the corrective action system;
- The licensee is adequately prioritizing and evaluating issues, include pertinent reference numbers (for example, NCR #s, violations #s, etc.); and
- Corrective actions are effective at preventing recurrence and timely.

Include samples taken from the previous 12 months of routine baseline inspection reports. Also include assessments and audits of the corrective action program that were completed within the previous 12 months.

Assessment - Adequacy of Problem Identification Document a general conclusion regarding the licensee's adequacy in problem identification. Include the bases for the general conclusion. Discuss issues and relevant observations regarding problem identification, and properly disposition any related findings.

Assessment - Adequacy of Prioritization and Evaluation of Issues Document a general conclusion regarding the licensee's adequacy in problem evaluation, and include the bases for that conclusion. Discuss issues relative to:

- The adequacy of the licensee's process for prioritizing issues
- Technical adequacy and depth of evaluations (including root cause analysis where appropriate)
- Adequate consideration of operability and reportability requirements
- Appropriate consideration of risk in prioritizing or evaluating issues.

Assessment - Adequacy of Corrective Actions Document a general conclusion regarding the licensee's ability to develop and implement effective corrective actions. Include the bases for the general conclusion and an assessment of the licensee's consideration of risk insights in prioritizing corrective actions. Discuss issues and relevant observations regarding corrective actions, including, for significant conditions adverse to quality, issues associated with the adequacy of corrective actions to prevent recurrence.

b. Assessment Use of Operating Experience

Inspection Scope - Identify the documents that were reviewed and, if applicable, the other activities that were completed to verify that the licensee appropriately used operating experience information.

Assessment - Document a general conclusion regarding the licensee's use of operating experience information. Include the bases for the general conclusion.

c. Assessment of the Self-Assessments and Audits

Inspection Scope - Identify the documents that were reviewed and, if applicable, the other activities that were completed to verify that the

licensee conducted self- and independent assessments of their activities and practices, as appropriate to assess performance and identify areas for improvement.

Assessment - Document a general conclusion regarding the licensee's self-assessments and audits. Include in the conclusion if issues identified by those self-assessments were addressed. Incorporate into the discussion the bases for the general conclusion

d. Assessment of Safety Conscious Work Environment

Inspection Scope - Identify the documents that were reviewed and, if applicable, the other activities that were completed to assess whether issues exist that may represent challenges to the free flow of information, and to determine whether underlying factors exist that would produce a reluctance to raise nuclear safety concerns.

Assessment - Document a general conclusion regarding the existence of issues that may represent challenges to the free flow of information, and of underlying factors that could produce a reluctance to raise nuclear safety concerns. Include the bases for the general conclusion.

4. Negative conclusions regarding aspects of the CAP should be supported by examples of violations. Other conclusions should be supported by a brief statement of the basis for the conclusion, including the scope of material reviewed.

APPENDIX E

Examples of Greater-Than-Minor Construction Violations

E.1 PURPOSE

The purpose of this appendix is to provide additional **guidance** to the Nuclear Regulatory Commission (NRC) staff regarding the difference between minor and greater-than-minor construction issues. The information contained in this section provides clarification and examples that may help the inspector determine if an inspection finding is greater than minor. The examples contained herein are minor construction issues referenced by Question 1 of Appendix B to aid the inspector in determining if a violation is “greater-than-minor.”

Section 2.10, “MINOR VIOLATIONS,” of the NRC ENFORCEMENT MANUAL acknowledges that there is no set rule as to what is minor and what is not (i.e., the determination that an issue is minor will depend on the circumstances of the particular issue.)

E.2 DEFINITION OF MINOR VIOLATION

Minor violations are below the significance of that associated with Severity Level IV violations and are not the subject of formal enforcement action or documentation. Failures to implement requirements that have insignificant safety or regulatory impact or findings that have no more than minimal risk should normally be categorized as minor. While licensees must correct minor violations, minor violations do not normally warrant documentation in inspection reports or inspection records and do not warrant enforcement action.

As used in this appendix, the term “insignificant” relates to a condition adverse to quality that has a minimal safety or regulatory impact.

E.3 WORK IN PROGRESS FINDINGS

All examples in this appendix assume (unless otherwise stated) that the construction activity had been released for use. This does not imply that “actual” work on an SSC had to have been performed for an issue to be greater-than-minor. For example, if a design drawing had been released for use (i.e., the licensee had reviewed and approved the drawing), and it contained significant errors, the issue may be greater-than-minor even if no SSCs had been constructed with the incorrect drawing.

All examples in this appendix assume that the licensee had an opportunity to identify and correct the issue (**i.e., the construction activity had been reviewed by at least one level of licensee quality assurance, quality control, or other designated / authorized personnel.**)

This does not imply that the licensee must have “signed-off” the construction activity as complete. ***If the licensee had performed a quality control acceptance inspection, check, or review, which would reasonably be expected to identify and correct the issue, then the specific construction activity may not be a “work-in-progress.”***

E.4 ISOLATED ISSUES

THE NRC ENFORCEMENT MANUAL, SECTION 2.10, “MINOR VIOLATIONS,” states:

Issues that represent isolated (i.e., “isolated” in that based on a reasonable effort, the staff determines that the issue is not recurring nor is it indicative of a programmatic issue such as inadequate supervision, resources, etc.) failures to implement a requirement and have insignificant safety or regulatory impact should normally be categorized as minor violations.

If possible, the inspector should determine whether the issue represented an isolated failure to implement a requirement which had an insignificant safety or regulatory impact. For an issue to be considered isolated, the inspector has determined that the issue is not indicative of a programmatic issue. If the inspector did not sample enough to make this determination, the issue should not be considered isolated. The determination that an issue is isolated should imply that the licensee had established adequate measure to control the construction activity.

Recurring issues that are NOT indicative of a programmatic deficiency, and have an insignificant safety or regulatory impact, should be considered minor.

EXAMPLE OF AN ISOLATED ISSUE:

Issue: The NRC inspectors identified that the licensee failed to implement a requirement.

Minor Because: Based on the number of similar samples inspected, independent review and/or observation of construction activities, and discussion with appropriate licensee personnel, the inspectors determined that the issue was not recurring, and not indicative of a programmatic issue, and that the issue had an insignificant safety or regulatory impact.

E.5 ISSUES RELATED TO THE QUALITY OF A SSC OR ACTIVITY (APPENDIX B MINOR SCREENING QUESTION 2)

Issues that could render the quality of a SSC or activity, unacceptable or indeterminate, would generally be associated with violations.

An issue that *could* adversely affect a SSC's ability to perform its intended safety function, or could impair the accomplishment of another SSC's safety function, should generally be considered greater-than-minor. Also, issues that represent a reduction in safety margin compared to the latest safety analysis approved by the NRC should also be considered greater-than-minor.

["Could" does NOT imply that the issue would absolutely adversely affect the SSC. It implies a probability that the ability of the SSC to perform its intended safety function may be adversely affected if the proper conditions existed.]

The non-existence of a detailed engineering justification does not necessarily imply that the issue is minor, in that the inspector should consider that the lack of a more detailed evaluation may indicate that the licensee failed to adequately consider the scope of the issue or fully understand the technical and quality requirements. In some cases, re-design may appear to be a simple corrective action, and minor on the surface; however, the staff should verify that all interactions and interfaces have been considered and that sufficient design margin is available.

E.6 ISSUES RELATED TO THE FAILURE TO ESTABLISH, IMPLEMENT, OR MAINTAIN AN ADEQUATE PROCESS, PROGRAM, PROCEDURE OR QUALITY OVERSIGHT FUNCTION (APPENDIX B MINOR SCREENING QUESTION 3)

Depending on the particular circumstances, issues related to the "Failure to **ESTABLISH** an adequate process, program, procedure, or quality oversight function that could render the quality of the construction activity unacceptable or indeterminate," should be considered greater-than-minor. These issues are more significant, in that the licensee will depend on these processes, programs, procedures, and quality oversight functions to establish the basis that the SSC is constructed in accordance with the approved design (i.e., the SSC will perform its intended safety function.)

E.7 ISSUES THAT COULD ADVERSELY AFFECT THE CLOSURE OF AN INSPECTION, TEST, ANALYSIS, AND ACCEPTANCE CRITERIA (ITAAC)

An issue, that if left uncorrected, could potentially prevent the licensee from closing an ITAAC, should be considered greater than minor. The issue must be material to the acceptance criteria of the ITAAC.

E.8 GENERAL DOCUMENT NOTES

- a. As used in this appendix, the terms “licensee” and “applicant” are interchangeable.
- b. As used in this appendix, the term “Inspector” relates to the NRC inspector (unless otherwise stated.)
- c. In all examples, it is assumed that the licensee documents and corrects the issue, even if the issue is determined to be minor. If the licensee fails to correct a minor violation, that would be screened as a different issue.
- d. The referenced quality assurance (QA) Criterion may be the 10 CFR 50, Appendix B criterion, the corresponding ASME NQA-1, or other equivalent QA criteria which were approved by the NRC staff as part of the license.

E.9 CONSTRUCTION ISSUE EXAMPLES (APPENDIX B- QUESTION 1)

<p>TABLE 1:</p> <p><u>ISSUES RELATED TO THE APPENDIX B MINOR SCREENING QUESTIONS</u></p>	<p>EXAMPLE</p>
--	-----------------------

QUESTION 2:

Does the issue, if left uncorrected, represent a condition adverse to quality that renders the quality of a structure, system, or component (SSC) or activity, unacceptable or indeterminate, **AND** the issue is associated with any one or more of the following [A-D]?

- A.** A deficiency in the design, manufacture, construction, installation, inspection, or testing of a SSC, which required one of the following to establish the adequacy of the SSC to perform its intended safety function: (i) a detailed engineering justification; (ii) redesign; (iii) replacement; (iv) supplemental examination, inspection, or test; (v) substantial rework; or (vi) repair

1, 12; 13; 16; 17; 19; 22; 24; 25; 26
- B.** A non-conservative error in a computer program, design specification, construction specification, design report, drawing, calculation, or other design output document that defines the technical requirements for the SSC

2; 3; 9; 14; 17;
- C.** An irretrievable loss of a quality assurance record; or a record-keeping issue that could preclude the licensee from being able to take appropriate action on safety-significant matters, or from objectively or properly assessing, auditing, or otherwise evaluating safety-significant activities

4; 10;
- D.** An unqualified process, procedure, tool, instrument or personnel used for a construction activity that either invalidated previously accepted activities, or required requalification

5; 6; 7; 11; 13; 15; 16; 20; 21;

QUESTION 3:

Does the issue, if left uncorrected, represent a failure to establish, implement or maintain an adequate process, program, procedure, or quality oversight function that could render the quality of the construction activity unacceptable or indeterminate?

- 2; 3; 4; 6; 7; 8; 9; 10; 15; 17; 18; 19; 22; 23; 24; 25

TABLE 2:

ISSUES RELATED TO SPECIFIC QA CRITERIA

Category	10 CFR Part 50, Appendix B Criteria	Example
Management Controls	1 Organization	None
	2 QA Program	5; 13; 15; 21;
	18 Audits	8
Design Control	3 Design Control	1; 2; 3; 9; 14; 17;
Procurement	4 Procurement Document Control	None
	7 Control of Purchased Material, Equipment and Services	8
Work Controlling Documents and Records	5 Instructions, Procedures and Drawings	2; 3; 6; 7; 8; 10; 12; 17; 18; 19; 20; 22; 24;
	6 Document Control	14; 17; 18; 19;
	17 QA Records	4; 10; 11; 26
Materials and Equipment	8 Identification and Control of Materials, Parts, and Components	23;
	12 Control of Measuring and Test Equipment	11;
	13 Handling, Storage and Shipping	22; 23; 24
	14 Inspection, Test and Operating Status	None
Special Inspection, and Test Control	9 Control of Special Processes	5; 6; 13; 15; 16; 20; 26
	10 Inspection	5; 7; 12; 13; 16; 21; 25; 26;
	11 Test Control	None
Nonconformance and Corrective Action	15 Nonconforming Materials, Parts or Components	12; 17; 25;
	16 Corrective Action	25;

EXAMPLE 1

Issue: The NRC inspectors identified that the as-built SSC did not meet the applicable design or construction specification.

Minor because: The as-built SSC was acceptable without the support of a detailed engineering justification, or amendment to the licensing basis document (i.e., the issue was insignificant.)

Or: the as-built SSC was an alternate design that the governing code allowed, and the use of this alternate design only required a minor revision to the specification.

Or the as-built SSC did not conform to the specification, but was made acceptable with minor re-work (e.g., minor adjustment or minor grinding) or completion of originally prescribed processing.

Or the as-built structure was more conservative than the as-designed.

Not minor if: The use of that alternate design required a detailed justification by the licensee to ensure that the as-built structure did not adversely affect the SSC's ability to perform its intended safety function and would not impair the accomplishment of a safety function through adverse interaction.

Or the use of the alternate design resulted in the licensee having to meet other technical requirements, which were not part of the original design. For example, the use of the as-built structure would require additional inspections, tests, re-work, maintenance, etc., to ensure that the SSC would perform its intended safety function.

Or the as-built SSC required substantial rework or repair.

Or the use of the as-built SSC required a supplemental examination in order to establish the ability to perform its intended safety function.

EXAMPLE 2

Issue: The inspectors identified that the licensee's design specification does not conform to the design basis (i.e., the licensee failed to adequately translate the approved design to appropriate drawings, instruction, procedures, etc.).

Minor because: The design error resulted in a more conservative analysis than what was required by the governing technical requirements.

Or the design error was insignificant, in that the ability of the as-designed SSC to perform its intended safety function was not challenged.

Not minor if: The design error resulted in a less conservative analysis that could have adversely affected the SSC's ability to perform its intended safety function.

EXAMPLE 3

Issue: The inspectors identified that an electrical drawing (design output document) failed to adequately translate the design basis requirements by omitting the voltage output regulation required to feed a safety significant SSC. The SSC had not been constructed, but the drawing had been released for use.

Minor because: The error was insignificant, in that SSC could perform its intended safety function, within the operating range of the degraded voltage level.

Not minor if: The design error could have caused the SSC to not perform its intended safety function.

EXAMPLE 4

Issue: The inspectors identified that the licensee failed to store quality-related records in accordance with QA program requirements.

Minor because: The licensee had established adequate procedures for the retention (storage) of records and the records were not damaged or lost.

Or an insignificant portion of a record was damaged or lost, such as a cover page, index, etc., which did not provide the documentary evidence that the SSC would perform its intended safety function.

Not minor if: Actual records were lost or damaged, and the licensee could not easily recreate the records with reasonable assurance of their accuracy (i.e., supplemental inspections were required to recreate the missing information.) [Note: If actual records were lost, the issue may be indicative of a programmatic deficiency, even if the records were able to be recreated]

Or the licensee had not established adequate procedures for the retention of QA records (e.g., the licensee had not purchased adequate storage cabinets for permanent or temporary storage of QA records.)

EXAMPLE 5

Issue: The NRC inspectors identified that the licensee's QC inspector was not qualified in accordance with the QA program requirements.

Minor because: The inspector's unqualified status was a result of an administrative issue, and the ability or competence of the inspector was not suspect. For example, the inspector's certification paperwork was not signed by his employer, but he had completed all other required training and qualification requirements.

Not minor if: The QC inspector was not qualified to perform the inspection, in that his ability or competence was suspect. For example, the QC inspector's eye examination had expired, or corrective lenses were not worn when performing the QC inspection.

Or the inspector's unqualified status resulted in the invalidation of previously accepted inspections.

EXAMPLE 6

Issue: The inspectors identified that the licensee was welding with a different size and type of tungsten electrode than that allowed by the welding procedure specification.

Minor because: According to the ASME code, a change in the electrode size or type is a nonessential variable; therefore, the welding procedure specification does not need to be re-qualified.

Not minor if: If the issue is related to a change in an essential variable, and the procedure was required to be re-qualified.

EXAMPLE 7

Issue: The inspectors identified that the licensee's test procedure was not compliant with technical or quality requirements, or both.

Minor because: The issue was insignificant, in that the procedure was not unqualified due to a technical issue (i.e., the procedure did not require requalification, and the results of previous inspections were not suspect).

Not minor if: The procedure was required to be qualified by performance demonstration.

Or, the results of previous inspections were invalid.

EXAMPLE 8

Issue: The inspectors identified that the licensee failed to conduct a required annual surveillance of their supplier.

Minor because: The licensee had established adequate measures to control purchased items and services, and the licensee had completed an initial audit of the supplier; therefore, the supplier was approved to provide safety-related SSCs. The supplier continued to demonstrate adequate controls over technical and quality requirements as evidenced by acceptable receipt inspections performed upon delivery of the SSCs to the licensee.

Not minor if: The licensee or the NRC identified violation related to the SSCs supplied by the supplier, which may have been prevented or identified by the surveillance.

Or the licensee had not established measures to ensure that purchased items and services conformed to applicable technical and quality requirements.

EXAMPLE 9

Issue: A design change was made to a SSC, but the change was not controlled by measures commensurate with those applied to the original design.

Minor because: The design change did not contain technical errors that rendered the quality of the SSC unacceptable or indeterminate, and was isolated.

Not minor if: The design change contained errors that could affect the quality of the SSC and the ability of the SSC to perform its intended safety function.

EXAMPLE 10

Issue: The inspectors identified that the licensee failed to authenticate QA records as required by the QA program.

Minor because: The failure to authenticate QA records was isolated to one work activity, and the licensee had established measures to ensure that records were complete and accurate, and the actual records were complete and accurate (i.e., the failure to formally validate the QA records did not adversely affect the quality of the construction activity.)

Not minor if: The licensee had failed to establish a process or program to ensure that QA records were complete and accurate.

Or the failure to authenticate QA records was not isolated, in that records for multiple work activities were not authenticated.

Or the record issue was significant, in that the records were found to be incomplete or inaccurate such that the quality of the construction activity was indeterminate (i.e., the QA records did not contain information needed to provide reasonable evidence that the SSC could perform its intended safety function.)

EXAMPLE 11

Issue: Inspectors identified an error on the calibration records for measuring & test equipment (M&TE.)

Minor because: The M&TE can be retested and the results are clearly within the prescribed acceptance standards (i.e., the error was a documentation error and not evidence of an M&TE that was out of calibration.)

Not minor if: If the issue requires an evaluation of out of tolerance, lost, or damaged M&TE that indicates questionable acceptability for previous inspection or test results indicating the need to re-inspect or re-test.

EXAMPLE 12

Issue: For a completed inspection, the inspectors identified that the licensee failed to meet the acceptance limit.

Minor because: The acceptance limit was more conservative than the governing regulatory requirement.

Not minor if: The acceptance limit was a regulatory limit, and the failed test rendered the quality of the SSC unacceptable or indeterminate.

EXAMPLE 13

Issue: During construction of a SSC, the NRC inspectors identified a deficiency with the inspection of a safety-related SSC.

Minor because: The inspection was not required by any regulation (i.e., "For Information Only"), and the qualification of the examiner and procedure were adequate.

Not minor if: If the inspection was required by regulation. (i.e., the examination would be used to establish the adequacy of the SSC to perform its intended safety function)

Or, the qualifications of the examiner or the procedure (if either were used for quality-related inspection activities) were suspect such that the acceptability of completed, quality-related inspections was, unacceptable or indeterminate.

EXAMPLE 14

Issue: The as-built SSC did not match the design drawing, because the drawing was not updated with an approved engineering change request.

Minor because: The failure to update the design drawing was isolated, and the as-built is acceptable as is.

Not minor if: The failure to update design drawings was not isolated.

Or the as-built was unacceptable, in that the engineering change request was inappropriately approved.

Or the incorrect drawing adversely affected other construction activities, such as other engineering activities.

EXAMPLE 15

Issue: The NRC inspector identified that a licensee QC inspector had not completed required refresher training, and therefore had expired certifications.

Minor because: Initial qualification training had been performed, and the ability of the inspector to perform the technical inspection was not suspect.

Or the inspector had not performed any inspections while his training was expired.

Not minor if: The refresher training was significant in that the ability of the inspector to perform adequately was suspect

Or the licensee was required to reexamine safety-related SSCs because of the expired certifications.

EXAMPLE 16

Issue: During visual examination of a weld, the inspectors identified that the licensee's QC inspector failed to verify that he had the minimum required light intensity

Minor because: Although the QC inspector did not measure the light intensity, the ambient lighting was greater than the minimum, and a visual indication could have been seen by the inspector.

Or the QC inspector used an acceptable alternative method to verify the minimum light intensity.

Not minor if: If the ambient lighting was less than the minimum, and the welds were required to be re-inspected.

Or the lighting could have been less than the required minimum and the welds were not accessible for re-inspection.

EXAMPLE 17

Issue: To disposition a nonconformance with technical requirements, the licensee initiated and approved an engineering change request (ECR.) However, the licensee failed to post the ECR to the affected drawing.

Minor because: The licensee did not perform any construction work to the affected drawing.

Or the licensee continued construction work to the affected drawing, but the change did not directly affect the work performed.

Not minor if: If the ECR was directly related to work performed, and rendered the quality of the SSC unacceptable or indeterminate.

EXAMPLE 18

Issue: NRC inspectors identified that a licensee procedure had undergone major revision and contained reference to another site procedure which had been cancelled prior to the date of the revision.

Minor because: The issue was insignificant, in that the cancelled procedure was not required to provide information that was material to the successful completion of the specific work activity (i.e., the issue was administrative.)

Not minor if: The issue was significant, in that the revised procedure relied on a

cancelled procedure to provide information that was important to the successful completion of a work activity that affected a SSC (e.g., acceptance criteria for an inspection, guidance for technical evaluation of data, qualification criteria, etc.)

EXAMPLE 19

Issue: During inspection of construction activities, the NRC inspector found a superseded copy of the installation work procedure beside some tools staged at the job site.

Minor because: Work activities had not been conducted with the outdated procedure.

Or work activities had been completed with the outdated procedure, but the difference between the outdated procedure and current revision did not render the quality of the construction activity unacceptable or indeterminate.

Not minor if: The outdated procedure was being used and the differences were not insignificant (i.e., the quality of the construction activity was unacceptable or indeterminate.)

EXAMPLE 20

Issue: The licensee's welding procedure allowed higher limits on amperage than that allowed by the welding code.

Minor because: No welding had been performed in the unacceptable range.

Or welding at the higher amperage would not adversely affect the weld.

Not minor if: If welding had been performed (or would be performed) at amperage higher than what the code allowed, and the welding procedure had not been re-qualified at the higher amperage.

EXAMPLE 21

Issue: NRC inspectors identified that a licensee QC inspector had expired training and certification records related to concrete cylinder break tests. The QC inspector's certifications had been expired for three months.

Minor because: The issue was isolated, and the expired certification documents was an administrative issue, in that, the inspector maintained adequate

knowledge and experience to perform the break tests, and interpret the results in accordance with the approved test procedures.

Not minor if: If deficiencies were identified with the concrete cylinder break tests that can be attributed to expired certification.

Or the results of the previous break tests were invalid.

EXAMPLE 22

Issue: Licensee procedures require that all safety-related structural steel be stored off the ground to prevent corrosion. The inspectors identified structural steel that was lying directly on the ground.

Minor because: The steel had not been damaged and there was no active corrosion that would require a detailed engineering evaluation, re-design or repair to establish the adequacy of the structural steel to perform its intended safety function.

Not minor if: The structural steel was damaged such that a detailed engineering evaluation, re-design, or repair was necessary to establish the adequacy of the structural steel to perform its intended safety function.

EXAMPLE 23

Issue: The inspectors identified that items in a lay-down area were missing tags which were required by a licensee QA procedure.

Minor because: The tags were an administrative control, in that the items did not rely on the tags to maintain material traceability as required by a regulatory requirement.

Not minor if: The tags were required to maintain traceability, and the licensee had installed items for which they had lost material traceability.

EXAMPLE 24

Issue: Inspectors identified that the environmental storage conditions of SSCs did not meet the licensee's QA program requirements.

Minor because: Storage conditions had an insignificant impact on the SSC.

Not minor if: Inadequate environmental storage conditions adversely affected stored items.

EXAMPLE 25

Issue: The inspectors identified that the licensee failed to initiate a nonconformance report for a licensee-identified deficiency discovered during the final inspection of an item.

Minor because: The licensee maintained another process for documentation (identification) of the nonconformance, and the deficiency was corrected with minor rework, completion of originally prescribed processing, or was acceptable “as-is” without a detailed engineering justification.

Not minor if: The licensee failed to document (identify) the nonconformance.

EXAMPLE 26

Issue: The NRC inspectors identified a technical error on an inspection record for a code required examination.

Minor because: The technical error was insignificant.

Or the person responsible for the completeness and accuracy of the information on the report had not signed it.

Not minor if: The error was not insignificant, and the person responsible for the completeness and accuracy of the information on the report had signed it.

ATTACHMENT 1

Construction Findings Flowchart

APPENDIX F

Construction **Cross-cutting** Components and Aspects

Because the causes of inspection findings are unique to each finding, inspectors should use their judgment in deciding which construction cross-cutting area component aspect is most appropriate, if any. For conditions adverse to quality, licensees will typically perform an apparent cause evaluation. As part of the inspection process, inspectors should have identified the cause that provides the most meaningful insight into the **finding**. Inspectors are not expected to perform independent causal evaluation beyond what would be appropriate for the significance of the issue. Selection of the **construction cross-cutting aspect** should very closely align with the violation. Usually, there should be only one principal cause and one **construction cross-cutting aspect** associated with each finding. More detailed guidance can be found in IMC 2505 "Periodic Assessment of Construction Inspection Program Results."

Inspectors are not expected to document a **construction cross-cutting aspect** for each and every inspection finding. A **construction cross-cutting aspect** of an inspection finding should be discussed in the report details if the inspector determines that the **construction cross-cutting aspect** of the finding was a significant contributor to the performance deficiency.

Inspectors shall not use the existence of a **construction cross-cutting aspect** to determine that a finding is greater than minor. Appendix B, "Issue Screening" should be used to determine whether the inspection finding is greater than minor.

A. Baseline Inspection

1. Decision-Making – Licensee decisions demonstrate that construction quality is an overriding priority. Specifically (as applicable):
 - (a) The licensee makes decisions related to construction quality that reflect the potential to impact ITAAC (closure or affect on already closed ITAAC) using a systematic process to ensure construction quality is maintained.

Authority and roles for evaluating these decisions are formally defined and communicated to applicable personnel including contractors and subcontractors.

Interdisciplinary input and review are attained on decisions that relate to more than one discipline.

Management uses a systematic process for planning, coordinating, and evaluating major changes in the construction environment. When deviations from design or specifications are needed or recognized, the condition is promptly brought to the attention of the design authority. The condition is then carefully evaluated and is addressed through a formal design-change process before personnel proceed,

thereby minimizing the potential for rework or nonconformance with the COL.

- (b) The licensee uses conservative assumptions in decision-making and adopts a requirement to demonstrate that the proposed construction activity does not adversely impact construction quality or ITAAC closure. The licensee conducts **adequacy** reviews (e.g. self assessments or audits) of these decisions to verify the validity of the underlying assumptions, identify possible unintended consequences, and determine how to improve future decisions.

For example, when making decisions related to testing, individuals ensure that they are on the correct unit and question the validity of their underlying assumptions, identify possible unintended consequences, and obtain appropriate management involvement and/or interdisciplinary input and reviews.

- (c) The licensee communicates decisions and the basis for decisions, in a timely manner, to personnel who have a need to know the information in order to perform work properly.

- 2. Resources - The licensee ensures that personnel, equipment, procedures, and other resources are available and adequate to assure construction quality. Specifically, those necessary for:

- (a) Sufficient number of qualified personnel available to ensure the plant is constructed using a quality process in accordance with the design.

Training is developed and implemented to ensure technical competency and reinforces that safety significant construction quality is of the highest priority. The licensee ensures that contractor and licensee staffs have the necessary training and qualifications. Management ensures individuals maintain their professional and technical knowledge, skills, and abilities.

The licensee ensures adequate knowledge transfer from contract personnel to licensee personnel ensuring technical competency once the contract work is completed.

- (b) Complete, accurate and up-to-date design documentation (field drawings), procedures, and work packages, and correct labeling of components.
- (c) Adequate and available facilities and equipment, including temporary construction structures.

- 3. Work Control - The licensee plans and coordinates work activities, consistent with ensuring construction quality. Specifically (as applicable):

- (a) The licensee appropriately plans construction activities by addressing:

- The potential to impact quality (CAQ/SCAQ)
 - Job site conditions, including environmental conditions which may impact human performance; previously/concurrently built structures, systems, and components; human-system interface; or radiological safety; and
 - Abort criteria to prevent inadvertent equipment damage, either to equipment being operated or connected systems
- (b) The licensee appropriately coordinates work activities by incorporating actions to address:
- The impact of changes to the work scope or other planned construction activities and work environment conditions (lighting, energy sources, etc.) that may affect work activities,
 - The impact of the work on different job activities, and the need for work groups to maintain interfaces with offsite organizations, and communicate, coordinate, and cooperate with each other during activities in which interdepartmental or multiple vendor coordination is necessary to assure quality construction,
 - Communication and coordination is maintained among on-site vendors, contractors, licensee personnel, and site support staff including transitory personnel.
 - The need to keep personnel apprised of construction work status that may affect work activities.
4. Work Practices - Personnel work practices support human performance. Specifically (as applicable):
- (a) The licensee communicates human error prevention techniques, such as holding pre-job briefings, self and peer checking, and proper documentation of activities. These techniques are used commensurate with the potential to impact construction quality for the assigned task, such that work activities are performed in a quality manner with appropriate attention to detail.
- Personnel are fit for duty. In addition, personnel do not proceed in the face of uncertainty or unexpected circumstances (maintain a questioning attitude).
- (b) The licensee defines and effectively communicates expectations regarding procedural compliance and personnel follow procedures and work instructions.
- (c) The licensee ensures supervisory and management oversight of work

activities, including contractors, such that construction quality is supported.

5. Corrective Action Program – The licensee ensures that issues potentially impacting construction quality are promptly identified, fully evaluated, and that actions are taken to address construction quality concerns in a timely manner, commensurate with their significance. Specifically (as applicable):
 - (a) The licensee implements a corrective action program with a defined threshold for identifying issues. The licensee identifies such issues completely, accurately, and in a timely manner commensurate with their impact on construction quality.
 - (b) The licensee periodically trends and assesses information from the CAP and other assessments in the aggregate to identify programmatic and common cause problems. The licensee communicates the results of the trending to applicable personnel (licensee personnel, contractors, subcontractors, and vendors).
 - (c) The licensee thoroughly evaluates problems such that the resolutions address causes and extent of conditions, as necessary including properly classifying conditions adverse to quality. This also includes, for significant problems, conducting **adequacy** reviews of corrective actions to ensure that the problems are resolved. Classifying of events should include review for impact to ITAAC conclusions or reliability assumptions used in the plant-specific Design Reliability Assurance Program (DRAP).
 - (d) The licensee takes appropriate corrective actions to address construction quality issues and adverse trends in a timely manner, commensurate with their significance (CAQ/SCAQ), complexity, and ability to impact ongoing construction activities.
 - (e) If an alternative process (i.e., a process for raising concerns that is an alternate to the licensee’s corrective action program or line management) for raising construction quality concerns exists, then it results in appropriate and timely resolutions of identified problems.
6. Construction Experience - The licensee uses construction experience (Con E) information, including vendor recommendations and internally generated lessons learned, to ensure construction quality. Specifically (as applicable):
 - (a) The licensee systematically collects, evaluates, and communicates to affected internal stakeholders in a timely manner relevant internal and external Con E.
 - (b) The licensee implements and institutionalizes Con E through changes to construction processes, procedures, materials, and training programs.

7. Self and Independent Assessments – The licensee conducts self- and independent assessments of their activities and practices, as appropriate, to assess performance and identify areas for improvement. Specifically (as applicable):
 - (a) The licensee conducts self-assessments at an appropriate frequency; such assessments are of sufficient depth, are comprehensive, are appropriately objective, and are self-critical. The licensee periodically assesses the **adequacy** of oversight groups and programs such as CAP and policies.
 - (b) The licensee tracks and trends safety and construction quality indicators (performance goals), which provide an accurate representation of performance.
 - (c) The licensee coordinates and communicates results from assessments to affected personnel, and takes corrective actions to address issues commensurate with their significance.

8. Accountability - Management defines the line of authority and responsibility for construction quality. Specifically (as applicable):
 - (a) Accountability is maintained for significant quality assurance decisions in that the system of rewards and sanctions is aligned with construction quality and reinforces behaviors and outcomes, which reflect construction quality as an overriding priority.
 - (b) Management communicates and reinforces quality assurance standards and displays behaviors that reflect construction quality as an overriding priority.
 - (c) The workforce demonstrates a proper construction quality focus and reinforces quality assurance principles among their peers.

B. Safety Conscious Work Environment

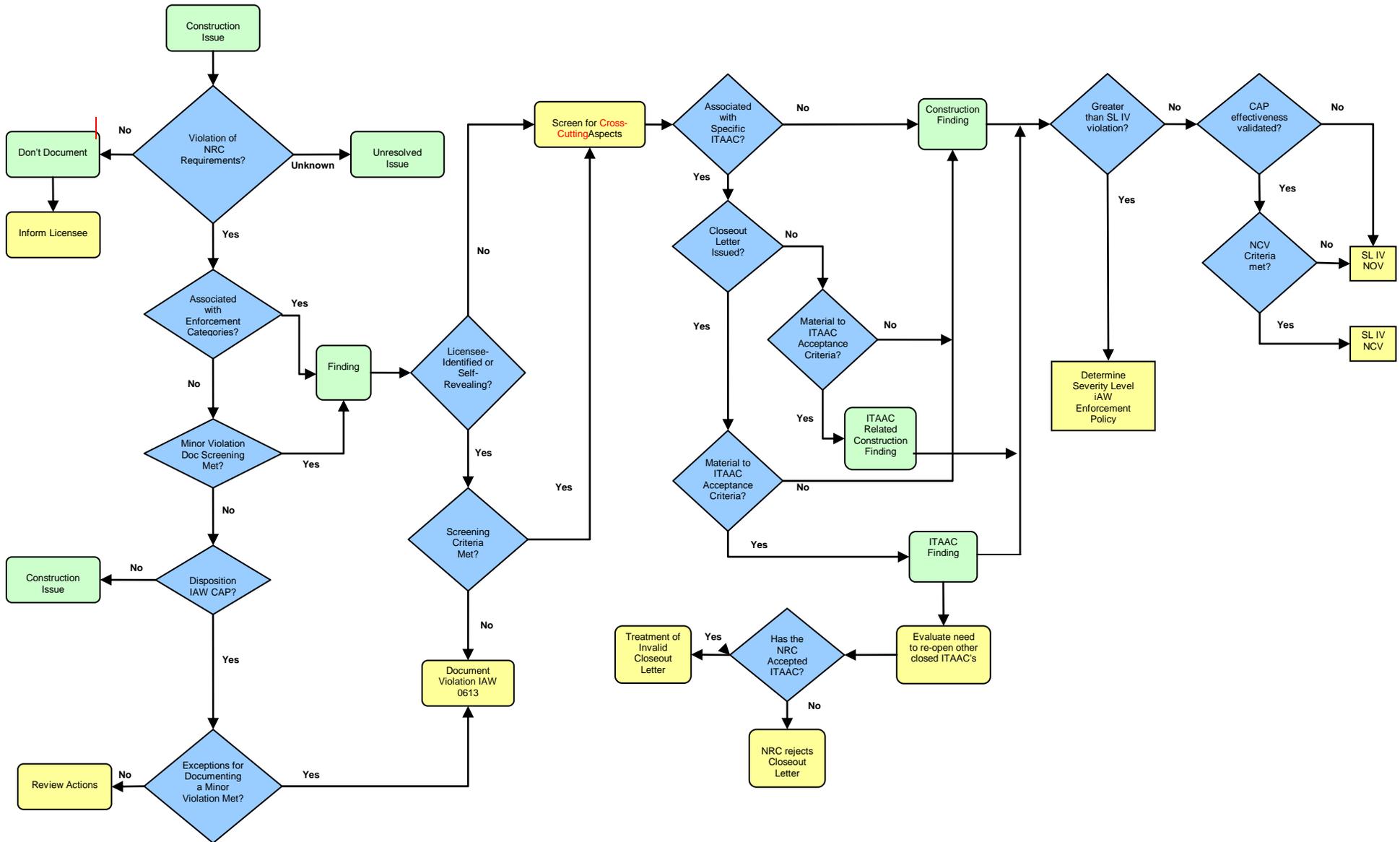
1. Environment for Raising Concerns - An environment exists in which employees feel free to raise concerns both to their management and/or the NRC without fear of retaliation and employees are encouraged to raise such concerns. Specifically (as applicable):
 - (a) Behaviors and interactions of licensee personnel, contractors, subcontractors, and vendors encourage free flow of information related to raising construction quality concerns, differing professional opinions, and identifying issues in the CAP and through self-assessments. Such behaviors include supervisors responding to employee safety concerns in an open, honest, and non-defensive manner and providing complete, accurate, and forthright information to oversight, audit, and regulatory organizations. Past behaviors, actions, or

interactions that may reasonably discourage the raising of such issues are actively mitigated. As a result, personnel freely and openly communicate in a clear manner conditions or behaviors, such as fitness for duty issues that may impact quality and personnel raise construction quality issues without fear of retaliation.

- (b) If an alternative processes (i.e., a process for raising concerns or resolving differing professional opinions that are alternates to the licensee's corrective action program or line management) for raising concerns or resolving differing professional opinions exists, then they are communicated, accessible, have an option to raise issues in confidence, and are independent, in the sense that the program does not report to line management (i.e., those who would in the normal course of activities be responsible for addressing the issue raised).
2. Preventing, Detecting, and Mitigating Perceptions of Retaliation – A policy for prohibiting harassment and retaliation for raising safety significant construction quality concerns exists and is consistently enforced in that:
- (a) All personnel are effectively trained that harassment and retaliation for raising safety significant construction quality (i.e. nuclear safety related) concerns is a violation of law and policy and will not be tolerated.
 - (b) Claims of discrimination are investigated consistent with the content of the regulations regarding employee protection and any necessary corrective actions are taken in a timely manner, including actions to mitigate any potential chilling effect on others due to the personnel action under investigation.
 - (c) The potential chilling effects of disciplinary actions and other potentially adverse personnel actions (e.g., reductions, outsourcing, and reorganizations) are considered and compensatory actions are taken when appropriate.

ATTACHMENT 1

Construction Findings Flowchart



ATTACHMENT 2

Revision History for IMC 0613

Commitment Tracking Number	Issue Date	Description of Change	Training Required	Training Completion Date	Comment Resolution Accession Number
N/A	10/20/08 CN 08-029	<p>Researched commitments for 4 years and found none.</p> <p>Initial issuance to provide direction for format and content when writing construction inspection reports.</p>	Yes	N/A	N/A
N/A	12/02/09 CN 09-029	<p>Major document development and revision constituting complete re-write.</p> <p>Incorporation of construction inspection screening process, inspection reporting guidance and additional guidance in new Appendices C through G.</p>	No	N/A	ML093140539
N/A	11/10/11 CN 11-032 ML110760482	<p>Major document development and revision.</p> <p>Incorporation of Pre-COL inspection reporting guidance have been added to this IMC.</p> <p>Most of the definitions have been removed; definitions can be found in IMC 2506.</p>	No	N/A	ML110030804