

FACTORS TO CONSIDER FOR SANCTION IN ACTIONS AGAINST INDIVIDUALS

EA# _____ IA# _____ Region ____ ES _____

Date: _____

Licensee: _____ Individual: _____

- Based on OI report, OI report No.: _____
- Based on inspection report, inspection report No.: _____
- Other: _____

In the case of an action against an individual, factors that may be considered in determining whether to escalate enforcement sanctions include:

1. The level of the individual within the organization

- Corporate executive in large organization
- RSO, SRO or manager above first line supervisor (e.g., President of small business, plant manager)
- First line supervisor or other licensee official (e.g., authorized user, chief technologist, RO, radiographer)
- User (e.g., AO, assistant radiographer, technologist, technician, QA)
- Not normally involved in NRC-Licensed activities (e.g., laborer, carpenter, millwright etc.)
- Other, Explain: _____

2. Culpability, the individual's training and experience as well as knowledge of the potential consequences of the wrongdoing

- Prior individual action against individual by NRC or significant discipline to individual for similar wrongdoing by licensee
- Well-trained, experienced, no excuse for not appreciating the significance of wrongdoing, or management told individual not to do the wrongdoing
- Knows it is wrong but does not appreciate the significance of the wrongdoing (does not care)
- Newly hired, little or no experience, Knows it is wrong but does not appreciate the significance of wrongdoing; following culture of the organization
- Deliberate Careless disregard No prior nuclear employment

Not likely to work nuclear in the future

Other, Explain: _____

3. The safety consequences of the misconduct

- | | |
|---|---|
| <input type="checkbox"/> Overexposure to individual(s) | <input type="checkbox"/> Loss of redundancy or inoperable safety system |
| <input type="checkbox"/> Misadministration to individual(s) | <input type="checkbox"/> Low consequences |
| <input type="checkbox"/> Release of radiation or radioactive material | <input type="checkbox"/> No potential consequences |
| <input type="checkbox"/> Affects public health and safety | <input type="checkbox"/> No consequences |

Other, Explain: _____

4. The benefit to the wrongdoer

- Significant tangible gain (e.g., monetary, financial decision, promotion, clear motive)
- Tangible gain (e.g., avoidance of discipline, concerned about NRC inspection or licensee audit, clear motive)
- No real benefit (e.g., leave early, get job done more quickly)

Other, Explain: _____

Benefit to Company, Explain: _____

5. The degree of supervision of the individual

- Close supervision (e.g., supervisor in area most of the time)
- Moderate supervision (e.g., supervised occasionally or audited occasionally)
- No supervision

Other, Explain: _____

6. The employer's response

- Voluntary dismissal Dismissal for cause
- Denied unescorted access
- Placed in PADS
- Substantial discipline (e.g., fine, demotion, probation, additional licensee oversight of individual, removal from licensed activities if viewed as adverse action)
- Some discipline (e.g., counseling, employee assistance program etc.)
- None

Other, Explain: _____

7. The attitude of the wrongdoer

- Significant interference with investigation (e.g., actions such as destroying records, persuading others to lie)
- Interference with investigation (e.g., affirmative lying)
- Does not accept responsibility during investigation, exculpatory “no,” does not provide testimony (e.g., exercising the Fifth Amendment privilege is neutral under this element)
- Admits to wrongdoing and acceptance of responsibility
- Cooperates during inspection and/or investigation
- Voluntarily identified and self reported the wrongdoing with minimal expectation that it would be discovered

- Other, Explain: _____

8. The degree of management responsibility or culpability

- Management directed and employee complains
- Management directed; however, employee does not question even though employee knows it is wrong
- Not directed by management but management does not provide resources to get the job done such that management is implicitly inviting cutting of corners, and individual does not complain
- Management Knew of questionable conduct and took no action to correct conduct
- No management involvement

- Other, Explain: _____

9. Who identified the misconduct

- Individual
- Licensee (through audit, LER, and/or investigation)
- Third party (e.g., allegor, union, newspaper, etc.)
- NRC (through inspection, LER, and/or investigation)

- Other, Explain: _____

10. The duration of the violation

- Repetitive or continues over time; How long _____
- Isolated or relatively isolated

11. Other

- The individual directed or coerced others to engage in the wrongdoing at issue
- Unusual event with significant health and safety consequences such as death or serious injury

12. Sanction

- NOV SL_____
- DFI
- Order ; removal for Year(s)_____
- Prior Notice, Once____, Year(s)_____

Other, Explain: _____