

March 17, 2009

EA-09-010

Mr. Timothy J. O'Connor  
Site Vice President  
Monticello Nuclear Generating Plant  
Northern States Power Company, Minnesota  
2807 West County Road 75  
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1  
NRC INSPECTION REPORT 05000263/2009008(DRS)

Dear Mr. O'Connor:

On January 29, 2009, the U. S. Nuclear Regulatory Commission (NRC) completed a review of a request to medically condition a Monticello Nuclear Generating Plant operator's senior reactor operator (SRO) license. The enclosed report documents our findings which were discussed via telephone with you and other members of your staff on February 2, 2009. On March 10, 2009, a subsequent discussion was conducted via telephone with Mr. G. Salamon and other members of your staff concerning additional questions and concerns noted by your staff and also to address cross-cutting issues.

The review examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. One operator's medical docket was reviewed and compared with 10 CFR Part 50 and 10 CFR Part 55 requirements.

Based on the results of this review, one apparent violation involving 10 CFR 50.9, "Completeness and Accuracy of Information," and one apparent violation involving 10 CFR 50.74(c), "Notification of Change in Operator or Senior Operator Status," were identified. The violations are being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforc-pol.pdf>.

On September 19, 2008, the NRC received an SRO license renewal application provided by plant management. On November 25, 2008, the NRC received a license restriction change request for the same SRO to add a "Must Take Medication as Prescribed to Maintain Medical Qualifications" license restriction. During the NRC review of the conditions surrounding the second licensing action, the NRC determined that the SRO had notified the station's medical staff on July 8, 2004, that he began taking medication for a potentially disqualifying medical condition in June 2004. This indicated that since June 2004 the SRO had a potentially disqualifying medical condition in accordance with American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.4-1983, "American National Standard Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants." Because the facility licensee failed to notify the NRC of the change in the operator's

medical condition within 30 days of the July 2004 date, this was considered to be an apparent violation of 10 CFR 50.74(c) which requires the licensee to notify the appropriate Regional Administrator within 30 days of a permanent disability or illness of a senior operator. As a result of inaccurate information in the renewal request, the NRC renewed the SRO license without a restriction for the medical condition. The incomplete and incorrect information in the renewal application was material to the NRC because it had the ability to and did incorrectly influence an NRC licensing action. This was considered to be an apparent violation of 10 CFR 50.9.

The circumstances surrounding the apparent violations, the significance of the issues, and the need for lasting and effective corrective actions were discussed with members of your staff during a telephone exit meeting on February 2, 2009. As a result, it may not be necessary to conduct a pre-decisional enforcement conference in order to enable the NRC to make an enforcement decision. In addition, since your facility has not been the subject of escalated enforcement actions within the last two years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section VI.C.2 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter; or (2) request a pre-decisional enforcement conference. If a conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. Please contact Mr. Hironori Peterson at (630) 829-9707 within seven days of the receipt of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations in Inspection Report No 05000263/2009008(DRS); EA-09-010" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addressed the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a pre-decisional enforcement conference.

In addition, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

**/RA/**

Steven West, Director  
Division of Reactor Safety

Docket No. 50-263  
License No. DPR-22

Enclosure: Inspection Report 05000263/2009008(DRS)  
w/attachment: Supplemental Information

cc w/encl: D. Koehl, Chief Nuclear Officer  
Manager, Nuclear Safety Assessment  
P. Glass, Assistant General Counsel  
Nuclear Asset Manager, Xcel Energy, Inc.  
J. Stine, State Liaison Officer, Minnesota Department of Health  
R. Nelson, President  
Minnesota Environmental Control Citizens  
Association (MECCA)  
Commissioner, Minnesota Pollution Control Agency  
R. Hiivala, Auditor/Treasurer,  
Wright County Government Center  
Commissioner, Minnesota Department of Commerce  
Manager - Environmental Protection Division  
Minnesota Attorney General's Office  
B. Swatzke, Plant Manager  
M. Walter, Plant Training Manager  
T. Blake, Manager, Regulatory Affairs

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Steven West, Director  
Division of Reactor Safety

Docket No. 50-263  
License No. DPR-22

Enclosure: Inspection Report 05000263/2009008(DRS)  
w/attachment: Supplemental Information

cc w/encl: D. Koehl, Chief Nuclear Officer  
Manager, Nuclear Safety Assessment  
P. Glass, Assistant General Counsel  
Nuclear Asset Manager, Xcel Energy, Inc.  
J. Stine, State Liaison Officer, Minnesota Department of Health  
R. Nelson, President  
Minnesota Environmental Control Citizens  
Association (MECCA)  
Commissioner, Minnesota Pollution Control Agency  
R. Hiivala, Auditor/Treasurer,  
Wright County Government Center  
Commissioner, Minnesota Department of Commerce  
Manager - Environmental Protection Division  
Minnesota Attorney General's Office  
B. Swatzke, Plant Manager  
M. Walter, Plant Training Manager  
T. Blake, Manager, Regulatory Affairs

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Letter to Timothy J. O'Connor from Steven West, dated March 17, 2009.

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1  
NRC INSPECTION REPORT 05000263/2009008(DRS)

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U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Docket No. 50-263

License No. DPR-22

Report No: 05000263/2009008(DRS)

Licensee: Northern States Power Company, Minnesota

Facility: Monticello Nuclear Generating Plant

Location: Monticello, MN

Dates: November 25, 2008 through February 2, 2009

Inspector: D. McNeil, Senior Operations Engineer

Approved by: H. Peterson, Chief  
Operations Branch  
Division of Reactor Safety

Enclosure

## SUMMARY OF FINDINGS

IR 05000263/2009008(DRS); 11/25/2008 - 02/02/2009 (in-office review); Monticello Nuclear Generating Plant, Unit 1; Licensed Operator Requalification.

This report covers an approximate 3-month period of in-office review of documents used for individual operator license renewal in the area of licensed operator requalification. The review was conducted by one regional specialist inspector. Two apparent violations were identified during the review. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter (IMC) 0609, "Significance Determination Process." Findings for which the Significance Determination Process does not apply may be "Green" or be assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 3, dated July 2000.

### **A. Inspector-Identified and Self-Revealed Findings**

#### **Cornerstone: Mitigating Systems**

To Be Determined. On July 8, 2004, a licensed senior reactor operator (SRO) notified the station's medical staff that he began taking prescribed medication in June 2004 for a potentially disqualifying medical condition. The NRC was notified of the SRO's potentially disqualifying medical condition on November 25, 2008. Title 10 CFR 50.74(c), "Notification of Change in Operator or Senior Operator Status," requires the licensee to notify the NRC within 30 days of the licensee being informed of a permanent change in a licensed operator's medical condition. The time period between July 2004 and November 2008 exceeded the 30-day notification requirement. The licensee conducted a review of all licensed operator medical records to determine the extent of condition and initiated other compensatory measures to prevent recurrence of this condition.

Because the issue affected the NRC's ability to perform its regulatory function it was evaluated using the traditional enforcement process. The finding was determined to be of low safety significance because the SRO was taking the medications as prescribed and had not made any operational errors during any emergency condition. The regulatory significance was important because your staff failed to notify the NRC of a permanent disability or illness of an SRO within 30 days. This was preliminarily determined to be an apparent violation of 10 CFR 50.74(c). The cause of the apparent violation is related to the cross-cutting element of human performance in the area of work practices. H.4(b)(Section 1R11)

To Be Determined. Every six years an operator's NRC operating license must be renewed. When the licensee submits the request for license renewal, the licensee must certify to the NRC that the operator is medically capable of performing license duties. This is done by completing an NRC Form 396, "Certification of Medical Examination by Facility Licensee." When signed by senior station management, the NRC Form 396 certifies that an operator is able to perform operator duties. The form contains several standard license conditions that restrict operator activities to ensure their ability to perform license duties. In this SRO's case, the licensee certified to the NRC in a letter dated September 11, 2008, that the operator was capable of performing license duties with no restrictions except to wear corrective lenses. The licensee provided incomplete

and inaccurate information on the accompanying NRC Form 396 in that the licensee failed to inform the NRC that the SRO was taking medication for a potentially disqualifying medical condition so the NRC could properly restrict the SRO's operating license to have a "Must Take Medication as Prescribed to Maintain Qualifications" license restriction.

Because the issue affected the NRC's ability to perform its regulatory function, it was evaluated using the traditional enforcement process. The finding was determined to be of low safety significance because the SRO had taken medications as prescribed and had not made errors during any emergency condition prior to the license being amended. However, the regulatory significance was important because the incomplete and inaccurate information was provided under a signed statement to the NRC and impacted a licensing decision for the SRO. This was preliminarily determined to be an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information." The cause of the apparent violation is related to the cross-cutting element of human performance in the area of work practices. H.4(b)(Section 1R11)

**B. Licensee-Identified Violations**

No violations of significance were identified.

## REPORT DETAILS

### 1. REACTOR SAFETY

#### **Cornerstone: Initiating Events, Mitigating Systems, and Barrier Integrity**

1R11 Licensed Operator Requalification Program (71111.11)

.1 Conformance With Operator License Conditions

a. Inspection Scope

The inspector reviewed one senior reactor operator's (SRO's) license renewal request submitted in September 2008 which included NRC Form 398, "Personal Qualification Statement – Licensee," and NRC Form 396, "Certification of Medical Examination by Facility Licensee." The inspector reviewed a request submitted in November 2008 from the licensee to amend the SRO's operating license that was renewed in September 2008. The amendment request included a new NRC Form 396 and a letter from the facility's Medical Review Officer (MRO) submitted to the NRC in support of the request to restrict the SRO's operating license. The original records are maintained by the facility licensee and document compliance with the medical standards delineated in ANSI/ANS 3.4-1983, "American National Standard Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants," and with 10 CFR 55.21, 10 CFR 55.25, and 10 CFR 55.53(j).

b. Findings

Introduction: On December 17, 2008, while reviewing an application to incorporate a medical restriction into an SRO's NRC operating license, an NRC inspector identified that Monticello Nuclear Generating Plant (MNGP) management failed to inform the NRC of a permanent change in the medical condition of that SRO within 30 days of the occurrence of that medical change. The issue was considered to be of very low safety significance, but was considered to have important regulatory significance because it prevented the NRC from taking a necessary licensing action. This issue was identified as an apparent violation of 10 CFR 50.74(c), "Notification of Change in Operator or Senior Operator Status."

Description: On July 8, 2004, an SRO reported to MNGP medical personnel that he had started taking prescribed medication in June 2004 for a potentially disqualifying medical condition. [Note: The information concerning the individual's specific medical condition is considered medical privacy information under 10 CFR 2.390(2)(6) and is not specifically discussed here.] Because the medication the SRO reported he was taking involved a potentially disqualifying medical condition, MNGP management was required to notify the NRC within 30 days of the operator's report in accordance with 10 CFR 50.74(c). The NRC was notified of the operator's medical condition in a letter dated September 19, 2008, a period of time which exceeded the 30-day notification requirement. Because MNGP management failed to notify the NRC within 30 days of the operator's report of his medical condition, it was an apparent violation of 10 CFR 50.74(c). In February 2006 the NRC Region III Operations Branch issued a letter to all Region III nuclear stations explaining that a new NRC Form 396 had been issued with new reporting requirements for license restrictions. Because of the change

in reporting requirement noted above, this medical condition should have been reported to the NRC upon completion of the SRO's last physical examination, which occurred on September 21, 2007. Therefore, two additional opportunities to report the need for the medical restriction were missed by MNGP management.

This apparent violation has a cross-cutting aspect in the area of Human Performance - Work Practices. Specifically, the licensee discovered during their condition evaluation that the only learning or training for the station's nurse and other medical review personnel has been on-the-job training, with no structure to ensure the right information was provided to the station's medical personnel. Therefore, the licensee failed to effectively communicate their expectations regarding procedural compliance and conformance to available standards when determining the need for medical restrictions on operator licenses. H.4(b)

Analysis: Because a violation of 10 CFR 50.74(c) is considered to be a violation that potentially impedes or impacts the regulatory process, it is dispositioned using the NRC Enforcement Policy instead of the Significance Determination Process. Using Inspection Manual Chapter (IMC) 0612, Appendix B, "Issue Dispositioning Screening," this finding was determined to be more than minor because the licensee failed to inform the NRC of a potentially disqualifying medical condition within 30 days and prevented a necessary NRC licensing decision. An operator that cannot perform licensed duties due to a medical condition that might be exacerbated by the stress resulting from a reactor accident scenario could be a significant distraction to the rest of the crew. Therefore, the safety significance of this issue was determined to be more than minor. The regulatory significance was important because an NRC licensing action was prevented because the operator's medical condition was not reported to the NRC. This apparent violation has a cross-cutting aspect in the area of Human Performance - Work Practices. Specifically, the licensee discovered during their condition evaluation that the only learning or training for the station's nurse and other medical review personnel has been on-the-job training, with no structure to ensure the right information was provided to the station's medical personnel. Therefore, the licensee failed to effectively communicate their expectations regarding procedural compliance and conformance to available standards when determining the need for medical restrictions on operator licenses. H.4(b)

Enforcement: Title 10 CFR 50.74(c) required that the licensee notify the NRC within 30 days of any permanent disability or illness as described in 10 CFR 55.25 in regard to a licensed operator or senior operator. A licensed senior operator at MNGP reported on July 8, 2004, to the licensee's medical staff that he was taking prescribed medication for a potentially disqualifying medical condition. The NRC was not notified of that condition until November 25, 2008 in a letter from the facility's MRO dated September 19, 2008. Since this time period exceeded 30 days, this was determined to be an apparent violation of 10 CFR 50.74(c). (AV 05000263/2009008-01)

Introduction: On December 17, 2008, while reviewing an application to incorporate a medical restriction into an SRO's NRC operating license, an NRC inspector identified that MNGP management had provided incomplete and inaccurate information to the NRC regarding the medical condition of that SRO when a license renewal was requested for the SRO. The issue was considered to be of very low safety significance, but was considered to have important regulatory significance because the information was provided to the NRC under a signed statement and resulted in a licensing action that would not have been taken had complete and accurate information been provided to

the NRC. This was an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information."

Description: Operator licenses expire every six years and must be renewed to allow the operator to continue to perform license duties. When a license renewal occurs, the licensee sends an NRC Form 398, "Personal Qualification Statement – Licensee," and an NRC Form 396, "Certification of Medical Examination by Facility Licensee" (required by 10 CFR 55.21) to the appropriate Region. The NRC Form 396 certifies, when signed by a senior facility licensee official, that the individual licensee has been examined by a doctor and meets the medical standards in ANS/ANSI-3.4-1983. In February 2006 the NRC Region III Operations Branch issued a letter to all Region III nuclear stations explaining that a new NRC Form 396 had been issued with new reporting requirements for license restrictions. On October 18, 2008, the subject SRO's operating license was renewed with only the corrective lenses restriction. The license renewal in October 2008 occurred after the new NRC Form 396 reporting requirements were instituted in January 2006.

On July 8, 2004, the SRO reported to MNGP medical personnel that he had started taking prescribed medication in June 2004 for a potentially disqualifying medical condition. [Note: The information concerning the individual's specific medical condition is considered medical privacy information under 10 CFR 2.390(2)(6) and is not specifically discussed here.] Because the medication the SRO reported he was taking involved a potentially disqualifying medical condition, MNGP management was required to notify the NRC of the operator's condition to allow the NRC an opportunity to review the medication dosage and frequency to determine if a license restriction should be applied to the SRO's license.

In a letter dated September 11, 2008, MNGP management applied to Region III to renew the SRO's operating license. The application included an NRC Form 398 and an NRC Form 396. The NRC Form 396 certified that a corrective lenses restriction was the only restriction needed for the operator's license. The NRC Form 396 did not include a request for a "Must Take Medication as Prescribed to Maintain Medical Qualifications," even though the SRO had already reported to the licensee that he was taking medication for a potentially disqualifying medical condition. The NRC Region III renewed the SRO's license based on the NRC Form 396 from the facility licensee that requested only a corrective lenses license restriction. Therefore, the information provided to the NRC in the September 11, 2008, license renewal application was material to the NRC licensing action. Because the license application, and specifically the NRC Form 396, did not inform the NRC of the medication being taken by the SRO for the disqualifying condition, nor request a "Must Take Medication as Prescribed to Maintain Medical Qualifications" restriction, a licensing action was taken by the NRC Region III that was incorrect in that the renewed license did not include a "Must Take Medication as Prescribed to Maintain Medical Qualification" license restriction. Because the licensee failed to provide complete and accurate information to the NRC in the license renewal application and on the NRC Form 396 concerning the SRO's health, this was an apparent violation of 10 CFR 50.9.

In a letter dated November 17, 2008, (L-MT-08-075) following a review of medical records by the facility's medical review officer, MNGP management determined a medical restriction was necessary and requested an amendment to the SRO's license to add the "Must Take Medication as Prescribed to Maintain Medical Qualifications" license

restriction. The NRC's MRO reviewed the medical information submitted by the licensee and determined the restriction was required. The SRO's license was conditioned accordingly and a revised license was issued to the SRO on December 23, 2008.

This apparent violation has a cross-cutting aspect in the area of Human Performance - Work Practices. Specifically, the licensee discovered during their condition evaluation that the only learning or training for the station's nurse and other medical review personnel has been on-the-job training, with no structure to ensure the right information was provided to the station's medical personnel. Therefore, the licensee failed to effectively communicate their expectations regarding procedural compliance and conformance to available standards when determining the need for medical restrictions on operator licenses. H.4(b)

Analysis: Because a violation of 10 CFR 50.9 is considered to be a violation that potentially impedes or impacts the regulatory process, it is dispositioned using the NRC Enforcement Policy instead of the Significance Determination Process. Using Inspection Manual Chapter (IMC) 0612, Appendix B, "Issue Dispositioning Screening," the findings were determined to be more than minor because the information associated with the SRO's license renewal was provided to the NRC under a signed statement by the Site Vice President and impacted an NRC licensing decision. An SRO that required a "Must Take Medication as Prescribed to Maintain Medical Qualifications" restriction on his license, was issued a license without such a restriction. An operator that cannot perform licensed duties due to a medical condition that might be exacerbated by the stress resulting from a reactor accident scenario could be a significant distraction to the rest of the crew. Therefore, the safety significance of this issue was determined to be more than minor. The regulatory significance was important because the information was material to an NRC licensing decision and an NRC operating license was issued without all of the proper medical restrictions because incomplete and inaccurate information was provided to the NRC in the application to renew the SRO's license.

This apparent violation has a cross-cutting aspect in the area of Human Performance - Work Practices. Specifically, the licensee discovered during their condition evaluation that the only learning or training for the station's nurse and other medical review personnel has been on-the-job training, with no structure to ensure the right information was provided to the station's medical personnel. Therefore, the licensee failed to effectively communicate their expectations regarding procedural compliance and conformance to available standards when determining the need for medical restrictions on operator licenses. H.4(b)

Enforcement Title 10 CFR 50.9 requires, in part, that information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

Title 10 CFR 55.25 requires, in part, if during the term of the license, the licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of §55.21 of this part, the facility licensee shall notify the Commission, within 30 days of learning of the diagnosis, in accordance with 10 CFR 50.74(c). For conditions for which a conditional license (as described in 10 CFR 33(b)) is requested, the facility licensee shall provide medical certification on

NRC 396 to the Commission (as described in 10 CFR 55.23) and supporting evidence of the required license restriction.

Title 10 CFR 55.23 requires that to certify the medical fitness of the applicant, an authorized representative of the facility licensee shall complete and sign NRC Form 396, "Certification of Medical Examination by Facility Licensee."

Title 10 CFR 55.21 requires, in part, that an applicant for a license shall have a medical examination by a physician. A licensee shall have a medical examination by a physician every two years. The physician shall determine that the applicant or licensee meets the requirements of 10 CFR 33(a)(1).

Title 10 CFR 55.33(a)(1) requires, in part, the applicant's medical condition and general health will not adversely affect the performance of assigned operator job duties or cause operational errors endangering public health and safety. The Commission will base its finding upon the certification by the facility licensee as detailed in 10 CFR 55.23.

The NRC Form 396, when signed by an authorized representative of the facility licensee, certifies that a physician conducted a medical examination of the SRO as required in 10 CFR 55.21, and that the guidance contained in American National Standards Institute/American Nuclear Society (ANSI/ANS)-3.4-1983, "Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants," was followed in conducting the examination and making the determination of medical qualification. In particular, it identifies required medical condition restrictions to maintain medical qualifications.

ANSI/ANS-3.4-1983, Section 5.3, "Disqualifying Conditions," provided, in part, that certain medical conditions preclude operation of a nuclear power plant unless adequate compensatory measures are instituted such as: restricting the activities of the individual, requiring close surveillance of the condition, imposing a temporary medical regime, or requiring another individual to be present when the individual in question is performing his assigned duties.

On September 11, 2008, the licensee submitted an application to renew an SRO's operating license. An NRC Form 396 associated with the renewal certified the medical condition of the SRO. That NRC Form 396 was not complete and accurate in all material respects. Specifically, the NRC Form 396 certified that the applicant met the medical requirements of ANSI/ANS-3.4-1983, with only a corrective lenses license restriction when, in fact, the operator was relying on prescription medication to maintain medical qualifications. This information was material to the NRC because the NRC relied on the NRC Form 396 to determine whether the applicant met the requirements of 10 CFR Part 55 to operate the controls of a nuclear power plant. This was an apparent violation of 10 CFR 50.9. (AV 05000263/2009008-02)

Although the licensee eventually identified the need for the required restriction on the SRO's operating license, the licensee provided incomplete and inaccurate information material to the NRC that resulted in an incorrect licensing action and failed to identify there was a violation of NRC requirements. Since NRC intervention was required to identify that a violation of NRC requirements had occurred, this apparent violation was considered NRC identified. This issue was entered in the licensee's corrective action

program as CAP 1150642. The licensee took or planned to take the following corrective actions, which were considered to be prompt and comprehensive:

- Entered this information in the facility's Corrective Action Program (CAP #1150642);
- Performed a Condition Evaluation (CE # 1150642-02) with extent of condition to ensure no other similar issues existed;
- A review of all of the Monticello Nuclear Generating Plant medical records by the Prairie Island Nuclear Generating Plant nurse;
- Develop a fleet procedure for new administrators, nurses, and doctors;
- Update the job-aide to incorporate the recommendations from the audit, and communicate this change to regulator affairs;
- Provide immediate familiarization documentation and discussions with the current MNGP involved personnel; and
- Provide training to medical services personnel to ensure they are up to date with industry guidance for completion of licensed operator medicals and NRC form submittal.

#### 4OA6 Management Meetings

##### .1 Exit Meeting Summary

On February 2, 2009, the inspectors presented the inspection results to Mr. T. O'Connor and other members of the licensee staff. The licensee acknowledged the issues presented. The inspectors confirmed that none of the potential report input discussed was considered proprietary.

On March 10, 2009, the inspectors presented the cross-cutting issue associated with the apparent violation and discussed resolution to several questions posed by the licensee. The licensee acknowledged the issues presented. The inspectors confirmed that none of the potential report input discussed was considered proprietary.

ATTACHMENT: SUPPLEMENTAL INFORMATION

## SUPPLEMENTAL INFORMATION

### KEY POINTS OF CONTACT

#### Licensee

T. O'Connor, Site Vice President  
B. Swatzke, Plant Manger  
M. Walter, Plant Training Manager  
G. Allex, Interim Training Manager  
R. Baumer, Regulatory Affairs

#### Nuclear Regulatory Commission

H. Peterson, Chief, Operations Branch, Region III  
D. McNeil, Senior Operations Engineer, Region III

### LIST OF ITEMS OPENED, CLOSED AND DISCUSSED

#### Opened

05000263/2009008-01	AV	Failure to Notify the NRC of a Permanent Illness or Disability of a Licensed Operator. (Section 1R11)
05000263/2009008-02	AV	Failure to Provide Complete Information to the NRC which Impacted a Licensing Decision. (Section 1R11)

#### Closed

None

#### Discussed

None

## LIST OF DOCUMENTS REVIEWED

The following is a list of documents reviewed during the inspection. Inclusion on this list does not imply that the NRC inspectors reviewed the documents in their entirety, but rather, that selected sections of portions of the documents were evaluated as part of the overall inspection effort. Inclusion of a document on this list does not imply NRC acceptance of the document or any part of it, unless this is stated in the body of the inspection report.

### 1R11 Licensed Operator Regualification

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated August 27, 1996

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated September 13, 2002

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated September 19, 2008

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated November 25, 2008

Letter; Occupational Medicine Consultants, Ltd.; dated September 19, 2008

Nuclear Regulator Commission Senior Reactor Operator License; dated October 18, 1996

Nuclear Regulator Commission Senior Reactor Operator License Renewal; dated October 18, 2002

Nuclear Regulator Commission Senior Reactor Operator License; Renewal October 18, 2008

Nuclear Regulator Commission Senior Reactor Operator License Amendment; dated December 23, 2008

## LIST OF ACRONYMS USED

ANS	American Nuclear Society
ANSI	American National Standards Institute
CFR	Code of Federal Regulations
IMC	Inspection Manual Chapter
MRO	Medical Review Officer
NRC	Nuclear Regulatory Commission
NRR	Nuclear Reactor Regulation
SRO	Senior Reactor Operator