

April 8, 2009

EA-09-012

Mr. Larry Meyer  
Site Vice President  
FPL Energy Point Beach, LLC  
6610 Nuclear Road  
Two Rivers, WI 54241

SUBJECT: POINT BEACH NUCLEAR GENERATING PLANT, UNITS 1 AND 2  
NRC INSPECTION REPORT 05000266/2009008(DRS);  
05000301/2009008(DRS)

Dear Mr. Meyer:

On March 9, 2009, the U. S. Nuclear Regulatory Commission (NRC) completed a review of a request to medically condition a Point Beach Nuclear Generating Plant operator's senior reactor operator (SRO) license. The enclosed report documents our findings which were discussed via telephone with Mr. J. Costedio and other members of your staff on March 9, 2009.

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 January 28, 2008, the NRC received an SRO license renewal application provided by plant management. On October 20, 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 and a "Solo Operation Is Not Authorized," 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 in May 1999, when he was seeking a reactor operator's (RO's) license, that he began taking medication in February 1993 for a potentially disqualifying medical condition. This indicated that since August 1999, when the operator received his RO license, the operator had a potentially disqualifying medical condition in accordance with American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.4-1996, "American National Standard Medical Certification and Monitoring of

Personnel Requiring Operator Licenses for Nuclear Power Plants.” In January 2006 the reporting requirements for operator medical conditions were changed to include several medical conditions. One of the changes instituted required the facility licensee to notify the NRC of an operator’s need to take certain prescription medications. Because the facility licensee failed to notify the NRC of the operator’s need to take prescribed medications in the SRO’s January 2008 license renewal, 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 the incomplete and inaccurate information provided in the January 2008 license renewal request, the NRC renewed the SRO license without a required 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.

During your extent of condition investigation, you discovered that 12 more licensed operators had medical conditions that required license restrictions be added to their operating licenses.

The circumstances surrounding the apparent violation in the renewal application, the significance of the issues, and the need for lasting and effective corrective actions were discussed with Mr. J. Costedio and other members of your staff during a telephone exit meeting on March 9, 2009. As a result, it may not be necessary to conduct a Pre-Decisional Enforcement Conference (PEC) 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 PEC 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 7 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 05000266/2009008(DRS); 05000301/2009008(DRS) EA-09-012" 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 PEC.

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 Nos. 50-266; 50-301  
License Nos. DPR-24; DPR-27

Enclosure: Inspection Report 05000266/2009008(DRS);  
05000301/2009008(DRS)  
w/Attachment: Supplemental Information

cc w/encl: M. Nazar, Senior Vice President and  
Chief Nuclear Officer  
A. Khanpour, Vice President, Engineering Support  
M. Warner, Vice President, Nuclear Plant Support  
Licensing Manager, Point Beach Nuclear Plant  
R. Hughes, Director, Licensing and Performance Improvement  
M. Ross, Managing Attorney  
A. Fernandez, Senior Attorney  
T. O. Jones, Vice President, Nuclear Operations,  
Mid-West Region  
P. Wells, Vice President, Nuclear Safety Assessment  
J. Bjorseth, Plant General Manager  
K. Duveneck, Town Chairman, Town of Two Creeks  
Chairperson, Public Service Commission of Wisconsin  
J. Kitsemel, Electric Division, Public Service Commission of Wisconsin  
P. Schmidt, State Liaison Officer  
D. Lauterbur, Training Manager, Point Beach Nuclear Plant  
J. Costedio, Manager, Regulatory Affairs, Point Beach Nuclear Plant

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J. Costedio, Manager, Regulatory Affairs, Point Beach Nuclear Plant

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Letter to Larry Meyer from Steven West, dated April 8, 2009.

SUBJECT: POINT BEACH NUCLEAR GENERATING PLANT, UNITS 1 AND 2  
NRC INSPECTION REPORT 05000266/2009008(DRS);  
05000301/2009008(DRS)

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U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Docket Nos: 50-266; 50-301  
License Nos: DPR-24; DPR-27

Report No: 05000266/2009008; 05000301/2009008

Licensee: FPL Energy Point Beach, LLC

Facility: Point Beach Nuclear Plant, Units 1 and 2

Location: Two Rivers, WI

Dates: November 25, 2008 through March 9, 2009

Inspector: D. McNeil, Senior Operations Engineer

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

Enclosure

## SUMMARY OF FINDINGS

IR 05000266/2009008(DRS); 05000301/2009008(DRS); 11/25/2008 - 03/09/2009 (in-office review); Point Beach Nuclear Generating Plant, Units 1 and 2; 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. Prior to becoming a licensed reactor operator (RO) in 1999, a non-licensed operator notified the station's medical staff that he began taking a prescribed medication for a potentially disqualifying medical condition in 1993. The NRC was not notified of the SRO's potentially disqualifying medical condition until October 20, 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 licensee should have notified the NRC of the operator's potentially disqualifying medical condition when the operator applied for an NRC operating license in 1999. The time period between May 1999 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 plant 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 problem identification and resolution in the area of operating experience. P.2(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 January 23, 2008, that the operator was capable of performing license duties with no restrictions. 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 problem identification and resolution in the area of operating experience. P.2(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 January 2008 which included NRC Form 398, "Personal Qualification Statement – Licensee," and NRC Form 396, "Certification of Medical Examination by Facility Licensee." The inspector reviewed the request submitted in a letter dated October 15, 2008, (NRC 2008-0077) from the licensee to amend the SRO's operating license that was renewed in February 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 3.4-1996, "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 22, 2008, while reviewing an application to amend an SRO's NRC operating license, an NRC inspector identified that Point Beach Nuclear Plant (PBNP) management had failed to inform the NRC of a permanent change in the medical condition of one of its SROs within 30 days of occurrence. This issue was identified as an apparent violation of 10 CFR 50.74(c), "Notification of Change in Operator or Senior Operator Status." 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: In 1999 a non-licensed operator enrolled in a license class reported to PBNP medical personnel that he had started taking prescribed medication in 1993 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, PBNP management was required to notify the NRC on the operator's initial license application when the operator completed his training and was prepared to take the NRC license examination in 1999. The NRC was notified of the operator's medical condition in a letter dated October 15, 2008, a period of time that exceeded the 30-day notification requirement. Because PBNP management failed to notify the NRC of the operator's medical condition on the initial license application in 1999, and only notified the NRC in October 2008, 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 this change in reporting requirements, this medical condition should also have been reported to the NRC upon completion of the SRO's last physical examination, which occurred on January 31, 2007, and again when the license was renewed in January 2008. Therefore, additional opportunities to report the need for the medical restriction were missed by PBNP management.

This apparent violation has a cross-cutting aspect in the area of Problem Identification and Resolution – Operating Experience. Specifically, the licensee discovered during their extent of condition evaluation that the facility had failed to incorporate information available to them from the NRC's website, from other facilities, and directly from Region III, NRC. Therefore, the licensee failed to effectively implement and institutionalize operating experience through changes to station processes, procedures, and training programs. P.2(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 Problem Identification and Resolution – Operating Experience. The licensee failed to effectively implement and institutionalize operating experience through changes to station processes, procedures, and training programs. P.2(b)

Enforcement: Title 10 CFR 50.74(c) requires 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. An operator at PBNP reported to the licensee's medical staff in 1999, that he was taking prescribed medication for a potentially disqualifying medical condition prior to his receiving an operating license. The NRC was not notified of that condition until October 15, 2008, when the facility licensee requested license restrictions be put on the SRO's operating license. Since this time period exceeded 30 days, this was determined to be an apparent violation of 10 CFR 50.74(c). (AV 05000266/2009008-01; 05000301/2009008-01)

Introduction: On December 22, 2008, while reviewing an application to incorporate a medical restriction into an SRO's NRC operating license, an NRC inspector identified that PBNP 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-3.4-1996. 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 August 27, 1999, the NRC issued a reactor operator (RO) license to the PBNP operator with no restrictions. On February 22, 2002, the RO license was upgraded to an SRO license, again with no restrictions on the license. This SRO license from PBNP was renewed on February 22, 2008, with no restrictions. The license renewal in February 2008 occurred after the new NRC Form 396 reporting requirements were instituted in January 2006.

Additionally, 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 January 31, 2007. Therefore, more than one opportunity to report the need for the medical restriction was missed by PBNP management.

In a letter dated January 23, 2008, PBNP 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 no restrictions were 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 no license restrictions. Therefore, the information provided to the NRC in the January 23, 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 license 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 October 15, 2008, following a review of the SRO's medical condition as a result of a separate medical event, PBNP 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 and a "Solo Operation Is Not Authorized" license restriction. The NRC's MRO reviewed the medical information submitted by the licensee and determined the restrictions were required. The SRO's license was conditioned accordingly and a revised license was issued to the SRO on December 1, 2008.

This apparent violation has a cross-cutting aspect in the area of Problem Identification and Resolution – Operating Experience. Specifically, the licensee discovered during their extent of condition evaluation that the facility had failed to incorporate information available to them from the NRC's website, from other facilities, and directly from Region III, NRC. Therefore, the licensee failed to effectively implement and institutionalize operating experience through changes to station processes, procedures, and training programs. P.2(b)

Analysis: Because violations of 10 CFR 50.9 are considered to be violations that potentially impede or impact the regulatory process, they are 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 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 operating license was issued the 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 Problem Identification and Resolution – Operating Experience. The licensee failed to effectively implement operating experience through changes to station processes, procedures, and training programs. P.2(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 55.33(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 55.33(b)(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)-3.4-1996, "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-3.4-1996, 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. Specifically, Section 5.3.7, "Cardiovascular" requires a normal blood pressure with tolerance to postural changes and capacity for exertion during emergencies. Section 5.3.9, "Medication" notes any medication taken in such a dosage that taking, or temporarily delay of taking, might be expected to result in incapacity.

On February 22, 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. The submitted 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-3.4-1996, with no license restrictions 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 05000266/2009008-02; 05000301/2009008-02)

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 AR# 01141669. The licensee took or planned to take the following corrective actions, which were considered to be prompt and comprehensive:

- Performed a Condition Evaluation with extent of condition to ensure no other similar issues existed;

- Occupational Health Nurse reviewed the NRC webpage guidance and NUREG 1021, Revision 9, Supplement 1, guidance with the Examining Physician;
- Add the NRC webpage for Operator Licensing Program Feedback to the Licensed Operator Operating Experience monitoring program via Regulatory Affairs monitoring and dissemination to Operations Training and Occupational Health for review;
- Revise FP-T-SAT-74 and NP 1.10.1 to incorporate NRC guidance for threshold of recommending license restrictions for permanent conditions that still meet minimum requirements of ANSI/ANS 3.4-1996 as well as the reason for reporting of license medical conditions “for information only”;
- Reinforce the importance of thorough evaluations of changes to documents associated with Licensed Operator medical qualifications with Operations Training personnel;
- Occupational Health Nurse performed a 100 percent review of all current license medical records to rescreen for required changes to station recommendations for license restrictions and for reporting conditions “for information only” to the NRC;
- Based on re-screening of current licensed operator medical records, submit additional license restriction recommendations and additional “for information only” medical information to the NRC;
- Provide information sharing to license operators and Operations Training Supervisors and instructors on this event. Review the new threshold for “must take medication” license restrictions. Reinforce the requirement of every licensee to promptly report changes in medical condition and prescription medication to ensure meeting NRC reporting requirements. Reinforce site and individual consequences associated with failure to promptly provide the needed information;
- Review each of the changes to the Operator Licensing feedback since October 2007 for the need to provide to operations instructors or modify procedures;
- Revise FP-T-SAT-74 to specify that Occupational Health/Examining Physician are responsible for designating the documentation that is provided for any Form-396 submittal to the NRC, including submittals for license renewal. Ensure the form is routed to Occupational Health for this to occur;
- Revise FP-T-SAT-74 to require documenting the licensee review of the Form-396 for accuracy prior to submittal. This can be done with a routing checklist or other method, such as adding it to the Attachment A instructions to be returned with signature; and
- Revise NP 5.1.10, Regulatory Correspondence, Attachment B Operator License Submittals to reflect lessons learned from this event.

As a result of your staff’s extent of condition investigation, your staff identified 12 additional licensed operators that required license restrictions be added to their operating licenses. Eleven of these operators are additional examples of a failure to notify the NRC of medical conditions within 30 days of occurrence of the medical condition which is an apparent violation of 10 CFR 50.74(c). Eight of the operators also had license actions occur where the medical information was not provided to the NRC and incorrect licenses were issued to those operators. This was an apparent violation of 10 CFR 50.9. Your staff identified that:

- A reactor operator (RO) began taking medication in 2004 without notification to the NRC (10 CFR 50.74(c). The NRC was not informed of the medication when the operator's initial license was issued in December 2005 (10 CFR 50.9);
- A senior reactor operator (SRO) began taking medication in 2007, then stopped in April 2007, then started taking the medication in August 2008 without notification to the NRC (10 CFR 50.74(c));
- An RO began taking medication prior to 2002 without notification to the NRC (10 CFR 50.74(c)). The NRC was not informed of the medication in 2006 when the operator's license was issued (10 CFR 50.9);
- An SRO began taking medication prior to 2002 without notification to the NRC (10 CFR 50.74(c));
- An RO began taking medication in 2007 without notification to the NRC (10 CFR 50.74(c));
- An SRO began taking medications prior to 2002 without notification to the NRC (10 CFR 50.74(c)). The NRC was not informed of the medication when the operator's license was amended in February 2008 (10 CFR 50.9);
- An SRO began taking medication in February 2003 without notification to the NRC (10 CFR 50.74(c)). The NRC was not notified of the medication when the operator's license was renewed in February 2008 (10 CFR 50.9);
- An SRO began taking medication in May 2005 without notification to the NRC (10 CFR 50.74(c)). The licensee did not inform the NRC of the medication when the operator's license was issued in December 2005 (10 CFR 50.9);
- An RO began taking medication prior to 2002 without notification to the NRC (10 CFR 50.74(c)). The NRC was not notified of the medication when the operator's license was renewed in 2008 (10 CFR 50.9);
- An SRO began taking medication prior to 2002 without notification to the NRC (10 CFR 50.74(c)). The operator's license was issued in 2003 and amended in 2004. The licensee did not provide the medical information until January 2009 (10 CFR 50.9);
- An RO began taking medication in November 2005. The operator's license was issued in October 2007 without a medical condition on the license. The licensee failed to notify the NRC of the medical condition when the initial license was issued (10 CFR 50.9); and
- An SRO began taking medication prior to 2002 without notification to the NRC (10 CFR 50.74(c)).

#### 4OA6 Management Meetings

##### .1 Exit Meeting Summary

On March 9, 2009, the inspectors presented the inspection results to Mr. J. Costedio 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.

ATTACHMENT: SUPPLEMENTAL INFORMATION

**SUPPLEMENTAL INFORMATION**

**KEY POINTS OF CONTACT**

Licensee

J. Costedio, Manager, Regulatory Affairs  
F. Flentje, Regulatory Affairs  
D. Lauterbur, Plant Training Manager

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

(05000266/2009008-01; 05000301/2009008-01)	AV	Failure to Notify the NRC of a Permanent Illness or Disability of a Licensed Operator. (Section 1R11)
(05000266/2009008-02; 05000301/2009008-02)	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 June 16, 1999

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated December 10, 2001

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated January 23, 2008

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated December 12, 2008

NRC Form 396; Certification of Medical Examination by Facility Licensee; dated January 3, 2009

Nuclear Regulator Commission Reactor Operator License; dated August 27, 1999

Nuclear Regulator Commission Senior Reactor Operator Upgrade License; dated February 22, 2002

Nuclear Regulator Commission Senior Reactor Operator License; Renewal dated February 22, 2008

Nuclear Regulator Commission Senior Reactor Operator License Amendment; dated March 5, 2009

## 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 U. S. Nuclear Reactor Regulation  
PBNP Point Beach Nuclear Plant  
RO Reactor Operator  
SRO Senior Reactor Operator