



U.S. NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

NMRP Users Group
NRC Enforcement Policy
Licensed Operators

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Discussion Topics

- Current Enforcement Policy guidance
- Proposed changes to guidance
- Enforcement Goals



Current Enforcement Policy Guidance

- Covered in Supplement I – “Reactor Operations” section of current policy (*last update Nov. 28, 2008*)
- Guidance for operator licensing Part 55 issues mixed in with other operational topics (Tech Specs, safety systems, 50.59 changes, etc.)



Current Enforcement Policy Guidance

Severity Level I example:

- A licensed operator at the controls of a nuclear reactor, or a senior operator directing licensed activities, involved in procedural errors which result in, or exacerbate the consequences of, an alert or higher level emergency and who, as a result of subsequent testing, receives a confirmed positive test result for drugs or alcohol.



Current Enforcement Policy Guidance

Severity Level II examples:

- A licensed operator involved in the use, sale, or possession of illegal drugs or the consumption of alcoholic beverages, within the protected area; or
- A licensed operator at the controls of a nuclear reactor, or a senior operator directing licensed activities, involved in procedural errors and who, as a result of subsequent testing, receives a confirmed positive test result for drugs or alcohol.



Current Enforcement Policy Guidance

Severity Level III examples:

- Inattentiveness to duty on the part of licensed personnel
- A non-willful compromise of an application, test, or examination required by 10 CFR Part 55 that:
 - (a) In the case of initial operator licensing, contributes to an individual being granted an operator or a senior operator license, or
 - (b) In the case of requalification, contributes to an individual being permitted to perform the functions of an operator or a senior operator.



Current Enforcement Policy Guidance

Severity Level III examples (*cont.*):

- A licensed operator's confirmed positive test for drugs or alcohol that does not result in a Severity Level I or II violation



Current Enforcement Policy Guidance

Severity Level IV examples:

- A non-willful compromise of an application, test, or examination required by 10 CFR Part 55 that:
 - (a) In the case of initial operator licensing, is discovered and reported to the NRC before an individual is granted an operator or a senior operator license, or
 - (b) In the case of requalification, is discovered and reported to the NRC before an individual is permitted to perform the functions of an operator or a senior operator, or
 - (c) Constitutes more than minor concern.



Proposed Changes to Guidance

- New supplement section 6.4 for “Licensed Reactor Operators”
- Licensed operator guidance in one location
- Possibly issued this summer – still under Commission review



Proposed Changes to Guidance

- Overall guidance largely unchanged, but clarified based on actual significance
- Include “in noncompliance with condition stated on individual’s license” in addition to alcohol and drugs in SL 2 and SL3 examples
- Expanded FFD examples



Proposed Changes to Guidance

- Generally SL I and II thresholds the same, but “deliberate compromise” added as SL II example
- Clarification to SL III and IV based on actual impact on licensing process and plant safety
 - Was operator qualified (medically and otherwise) to perform licensed duties?
 - Did the NRC issue a license when it shouldn't have or with missing restrictions?



Proposed Changes to Guidance

Example:

- Operator misses (non-willful) 2-year physical exam requirement [55.21, 55.53(i)], and performs licensed duties. When discovered, follow up exam given and individual determined to meet all medical requirements.
 - *Likely to be SL IV for missing Part 55 exam requirement, but no actual impact on plant safety since operator was medically fit while on duty*

Proposed Changes to Guidance

Example:

- Operator misses (non-willful) 2-year physical exam requirement (55.21), and performs licensed duties. When discovered, follow up exam given and individual does not meet visual acuity requirements per ANSI/ANS-3.4
 - *Likely to be SL III since missing Part 55 physical exam requirement resulted in a medically disqualified individual performing licensed duties*



Proposed Changes to Guidance

Office of Enforcement pursuing expanded fitness-for-duty (FFD) guidance

- Look at FFD program failures – potential to cite facility licensee for Part 26 violation
- Guidance on illegal drugs and adverse affects of OTC/prescription drugs
- Action against Part 55 licensee for FFD issues when performing licensed duties
 - 55.53(j) – conditions related to alcohol and drugs
 - 55.53(d) – observe all applicable rules, regs and orders of the Commission



General Comment on Enforcement

As with current policy – circumstances can lead to enforcement escalation or discretion.

Cases that appear the same on the surface may have different outcomes based on the details.



Enforcement Goals

- Focus on safety
- Clear guidance and consistent application
- Recognize the importance of “complete and accurate” information to the regulatory / licensing process
- Consideration of safety significance and consequences



Enforcement References

- NRC Public Website – Public Meetings & Involvement - Enforcement
 - Enforcement Policy -
 - <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>