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Initial Licensing Exam Failure Informal Review Process Changes

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Project AIM

- Elimination of informal staff review process
- Applicants' hearing rights NOT affected
- Occurs six months after NUREG-1021 revision
 - 10 CFR 55.40(a)
 - Until then, interim changes to staff review process

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Project AIM

- Facility post-exam comments and proposed answer key changes still in program (extended due date)
 - More time = More thorough and complete comments
- Include applicant comments with facility position
- HQ's still involved
 - FAQ
 - Program Oversight
 - Assistance when Region requests (e.g., ROI's)

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Changes to Staff Review Process

- The process is not well defined in operator licensing program implementing guidance
- The guidance is clear on when to commission an informal review panel, but not on the conduct of the review
- This can result in inconsistent application of the informal review process.

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Changes to Staff Review Process

- Panel will consist of three individuals (none from the affected Region)
 - A Branch Chief
 - A HQ Program Office examiner
 - An examiner not associated with the conduct of the applicants' examination
- Panel will ONLY consider items contested by the applicant
- Panel can identify new Critical Tasks related to the review of items contested by the applicant ONLY

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Changes to Staff Review Process

- Affected Region submits their review of contested items in writing
- The Review Panel will submit their review in writing to the HQ Program Office
- The HQ Program Office will issue its final decision to the applicant once all inputs are considered

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Other Process Changes

- No examiner who participated in ANY way with administration of an operating exam failure, will be assigned ANY role in the retake examination
- A different Regional supervisor from the person that issued the initial license denial for a failed operating exam, will make the final licensing decision for any retake examination

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Other Process Changes

- ANY claims of bias or prejudice related to examination administration will be processed using Management Directive 8.17, "Licensee Complaints Against NRC Employees"
- Immediate actions related to the examination are dependent on when in the process the assertion is made
 - Example- If assertion made during the examination process, examiner substitutions may be warranted to maintain the integrity of the exam
