

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NEW REACTORS
OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
WASHINGTON, DC 20555-0001

August 31, 2011

**NRC REGULATORY ISSUE SUMMARY 2011-10
INFORMING LICENSEES ABOUT THE NRC'S PUBLIC WEB SITE FOR
SIGNIFICANT ENFORCEMENT ACTIONS WHEN EVALUATING
INDIVIDUALS FOR EMPLOYMENT**

ADDRESSEES

All U.S. Nuclear Regulatory Commission (NRC) licensees, certificate holders, permit holders, applicants, Agreement State Radiation Control Program Directors, State Liaison Officers, and other interested stakeholders.

INTENT

The NRC is issuing this regulatory issue summary (RIS) to communicate to NRC licensees, certificate holders, permit holders, and applicants that the agency maintains on its public website a current listing of escalated enforcement actions issued to all licensees and certificate holders, as well as those issued to individuals. No specific action or written response is required. The NRC is also providing this RIS to Agreement States for their information and for distribution to their licensees, as they deem appropriate.

BACKGROUND INFORMATION

The NRC maintains a system of records under the Privacy Act for individuals under the NRC's jurisdiction whose activities have been subject to NRC enforcement actions or who have been the subject of correspondence indicating they are being, or have been, considered for enforcement action. Routine use of the records maintained in the system includes deterrence of future violations, and as such, certain information in this system may be routinely disseminated to the public by means such as publishing in the *Federal Register* certain enforcement actions issued to individuals and making the information available in the Public Electronic Reading Room accessible through the NRC website, <http://www.nrc.gov>. The NRC has published enforcement actions, beginning in 1993, in NUREG-0940, "Enforcement Actions: Significant Actions Resolved," and subsequently on the NRC website beginning in 1995. The enforcement

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actions stay on the website until approximately 12 months after the action is issued (for notices of violation) or until any restrictions imposed in an order are complete. Past enforcement actions are publicly available by searching the Agencywide Documents Access and Management System (ADAMS)

SUMMARY OF ISSUE

The NRC's mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. To achieve its mission, the NRC must rely on the individuals conducting regulated activities to follow NRC requirements with the same goals in mind.

Occasionally, the NRC takes enforcement action against individuals working under the NRC's jurisdiction. When the NRC loses reasonable assurance that an individual is willing or able to comply with NRC requirements, typically demonstrated by deliberate misconduct, the agency may issue an enforcement order that includes a prohibition against all or some forms of NRC-licensed activities. In addition, the NRC may engage in alternative dispute resolution with an individual who the NRC believes has willfully violated NRC requirements. Through alternative dispute resolution, the NRC may issue a confirmatory order that includes an agreed-upon period of prohibition from all or some types of NRC-licensed activities. In less significant cases, the agency may issue a notice of violation to an individual.

The NRC believes this information may be useful to licensees when making employment decisions. The list of recent and active enforcement actions is available at:

<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/individuals/>.

If a licensee discovers an employee, contractor, or prospective employee or contractor is the subject of an enforcement action, the licensee should evaluate the information in order to make an appropriate employment decision. Licensees should consider whether an employee or contractor on the list should be permitted to conduct all of the duties his or her job may entail, or whether it is possible to separate the individual from certain licensed activities.

BACKFIT DISCUSSION

This RIS requires no action or written response. Any action on the part of addressees in accordance with the guidance contained in this RIS is strictly voluntary and, therefore, is not a backfit under any regulatory requirement in Title 10 of the Code of Federal Regulations. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because this RIS is informational and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

In accordance with the Congressional Review Act, the NRC has determined that this RIS is not a rule and therefore is not subject to the requirements of the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

This RIS requires no specific action nor a written response. If you have any questions about this summary, please direct them to the technical contact listed on the next page or the appropriate regional office.

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