



# **Enforcement Policy Changes** **(and OL Update from NRC HQ)**

***Region 3 Operator Licensing Workshop***

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## Enforcement Policy Update

- Proposed Enforcement Policy revision is with the Commission for review/approval
- Contains changes to Section 6.4 for “Licensed Reactor Operators”

## Enforcement Policy Update

- Proposed revision is publicly available in ADAMS at ML11259A100
- Public comment period closed on Jan. 5, 2012. Comments and responses available in ADAMS at ML11350A043

# Enforcement Policy Update

- *Disclaimer:* *The following excerpts are from the proposed policy as presented for public comment. They do not necessarily reflect the final approved document.*

## Enforcement Policy Excerpt – SL I

*Severity Level I violations involve, for example:*

1. A licensed operator, or a senior operator actively performing the functions covered by that position, is **involved in procedural errors** that result in, or exacerbate the consequences of, an **Alert or higher level emergency**, and, at the time the procedural errors occurred, was determined to be any of the following:
  - (a) unfit for duty as a result of a confirmed positive test for drugs or alcohol at cutoff levels established by the licensee, or
  - (b) under the influence of any prescription or over-the-counter drug as described in 10 CFR 55.53(j).
  - (c) **Unfit for duty as determined by a post event fatigue assessment required by 10CFR 26.211(a)(3)**

## Enforcement Policy Excerpt – SL II

*Severity Level II violations involve, for example:*

1. A licensed operator, or a senior operator actively performing the functions covered by that position, is **involved in procedural errors** and, at the time the procedural error occurred, was determined to be any of the following:
  - (a) unfit for duty as a result of a confirmed positive test for drugs or alcohol at cutoff levels established by the facility licensee,
  - (b) under the influence of any prescription or over-the-counter drug as described in 10 CFR 55.53(j), or
  - (c) in noncompliance with a condition stated on the individual's license;

## Enforcement Policy Excerpt – SL II

2. A **deliberate compromise** (see 10 CFR 55.49, “Integrity of Examinations and Tests”) occurs of an application, test, or examination required by 10 CFR Part 55, “Operators’ Licenses,” or **inaccurate or incomplete information is deliberately provided** to the NRC and has any of the following results:
  - (a) in the case of initial operator licensing, contributes to an individual being granted an operator or senior operator license, or
  - (b) in the case of operator requalification, contributes to an individual being permitted to continue to perform the functions of an operator or senior operator; or
  - (c) **Contributes to a medically unqualified individual performing the functions of a licensed operator or senior operator;**
3. A licensed operator or senior operator, while within the protected area, is involved in the **use, sale, or possession of illegal drugs or the consumption of alcoholic beverages**

## Enforcement Policy Excerpt – SL III

*Severity Level III violations involve, for example:*

1. A licensed operator, or a senior operator **actively performing the functions covered by that position**, is determined to be any of the following:
  - (a) unfit for duty as a result of a confirmed positive test for drugs or alcohol at cutoff levels established by the licensee, or
  - (b) under the influence of any prescription or over-the-counter drug as described in 10 CFR 55.53(j), or
  - (c) in noncompliance with a condition stated on the individual's license;
2. A licensed operator, or a senior operator actively performing the functions covered by that position, is **inattentive to duty**;
3. A licensed operator or senior operator is involved in the **use, sale, or possession of illegal drugs**;



## Enforcement Policy Excerpt – SL III

4. A nonwillful compromise (see 10 CFR 55.49) of an application, test, or examination required by 10 CFR Part 55., or **inaccurate or incomplete information inadvertently provided** to the NRC, subsequently **contributes to the NRC making an incorrect regulatory decision**, such as the following:
- (a) in the case of initial operator licensing, contributes to an individual being granted an operator or senior operator license, or
  - (b) in the case of operator requalification, contributes to an individual being permitted to continue to perform the functions of an operator or senior operator, or
  - (c) **contributes to a medically unqualified individual performing the functions of a licensed operator or senior operator**

## Enforcement Policy Excerpt – SL IV

*Severity Level IV violations involve, for example:*

1. A **nonwillful compromise** (see 10 CFR 55.49) of an application, test or examination required by 10 CFR Part 55. For example,
  - (a) cases of inaccurate or incomplete information inadvertently provided to the NRC that do not contribute to the NRC making an incorrect regulatory decision as a result of the originally submitted information; or
  - (b) an individual operator who did not meet the ANSI/ANS-3.4, Section 5, “Health Requirements and Disqualifying Conditions,” as certified on NRC Form 396 required by 10CFR 55.23, but who did not perform the functions of an operator or senior operator license while having a disqualifying medical condition, or

## Enforcement Policy Excerpt – *SL IV*

- (c) an individual operator who did not meet ANSI/ANS-3.4, Section 5, as certified on NRC Form 396 required by 10CFR 55.23, due to an incomplete medical examination, but was subsequently found to meet the health requirements for licensing; or
- (d) an individual operator who met ANSI/ANS 3.4, Section 5, as certified on NRC Form 396, required by 10CFR 55.23, but failed to report a condition that would have required a license restriction to establish or maintain medical qualification based on having the undisclosed medical condition.

## Enforcement Policy Excerpt – SL IV

~~2. A licensed operator or senior operator has a confirmed positive test for drugs or alcohol after arriving on-site to perform scheduled work or to attend required requalification training that does not result in a Severity Level I, II, or III violation.~~

*Deletion of this section proposed as part of an effort to remove "default" examples (i.e., "if it's not a I, II or III, it must be a IV") and to reflect legal opinion on what constitutes "licensed duties."*

## In a nutshell:

- **SL I** – ALERT or higher caused by unfit operator
- **SL II** – Procedural Errors by unfit operator, willful compromises, drugs/alcohol in PA
- **SL III** – Unfit or inattentive operator, non-willful compromise and incorrect regulatory decision, illegal drugs anywhere
- **SL IV** – non-willful compromise without impact on regulatory decision (“admin” issues)

## Enforcement Policy Reminders

- Specific 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



*Any questions on the Enforcement Policy  
changes?*



## A few other things from NRC HQ

- Fukushima lessons learned – Task Force Recommendation #8.
- NEI OL Focus Group interactions
- “One industry standard, one Reg Guide, one inspection”

## Recommendation # 8

- The NRC's Fukushima Near-Term Task Force (NTTF) Recommendation 8 endorsed the strengthening and integration of emergency operating procedures (EOPs), severe accident management guidelines (SAMGs), and extensive damage mitigation guidelines (EDMGs) using the rulemaking process.

# Objectives

- Effective **transitions** between the various accident mitigating procedures
- Well defined **command and control** strategies for large scale events
- Key personnel **trained, qualified** and evaluated in their accident mitigation roles
- Accident mitigating procedures, training and **exercises** are standardized throughout the industry

# Opportunity for input

- Advance Notice of Proposed Rulemaking (ANPR) issued on April 18, 2012 [77 FR 23161]
- Accepting public comments until June 18, 2012
  - Comments can be submitted by using the regulations.gov website or by e-mailing them to [Rulemaking.Comments@NRC.gov](mailto:Rulemaking.Comments@NRC.gov)
  - Please include the NRC docket ID (**NRC-2012-0031**) in your comments

# NEI OL Focus Group Interactions

- NEI Independent Review Panel recommendations
  - K/A Catalog update project
  - Exam bank initiative
  - National Operator Licensing Workshop

## **“One industry standard, one Reg Guide, one inspection”**

- ANSI/ANS-3.5-2009, RG 1.149 rev. 4, IP71111.11 - simulators
- ANSI/ANS-3.4-2012(?), RG 1.134, rev. 4, IP71111.11 - medical

***Thanks for your  
attention.***

***Any questions or  
comments?***