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

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)
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.

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

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
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

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