

June 26, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-079 - PROPOSED
RULE - INITIAL LICENSED OPERATOR EXAMINATION
REQUIREMENTS

The Commission has approved publication of the proposed rule in the Federal Register for a 75-day public comment period subject to the comments and changes noted below.

(EDO) (SECY Suspense: 7/30/97)

The staff should provide additional discussion in the Federal Register notice (FRN) explaining the safety benefits of this proposed rulemaking indicating, if appropriate, that the NRC focus on operator performance will improve through more direct (i.e., NRC staff replacing contractor personnel) involvement in simulator and walkthrough examinations.

The staff should include in the FRN for the rulemaking a discussion of the importance that the NRC places on ensuring adequate security of examination materials, including reference to the requirements of 10 CFR 55.49. The Commission expects that willful violations of examination security will be aggressively pursued by the staff.

The staff should provide additional legal analysis regarding the basis for determining that the backfit rule does not apply to this rulemaking particularly with regard to modification of or addition to "the procedures or organization required to design, construct, or operate a facility." This analysis should be used,

SECY NOTE: THIS SRM, SECY-97-079, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

if possible, to strengthen the staff's position on applicability of the backfit rule in the proposed rulemaking package.

The FRN should be revised to solicit public comments on the following questions.

1. Are there portions of the operator exams that are common to all licensees, and would therefore be more efficiently developed by the NRC?
2. Is the conclusion in the regulatory analysis correct that it would be less costly for each licensee to prepare their own initial operator examinations to be reviewed, revised, and administered by the NRC, than to have one NRC contractor prepare these exams for all licensed operators with the costs to be reimbursed by licensee fees.

The Congressional letters should be modified as noted below:

1. Add to the end of the second paragraph after "... staff or contract examiners." — The Commission now proposes to have facility licensees prepare and administer the site-specific written examinations in recognition of the substantial improvements in industry training programs, to make the operator licensing program more efficient, and to realize budgetary savings for the Federal government.
2. A new third paragraph should be added to read — After promulgation of the final rules, the NRC will continue to (1) prepare and administer the generic fundamentals examination to operator license candidates, (2) administer and grade the operating portions of the site-specific examination, including a control room simulator examination and a one-on-one demonstration of specific operating tasks, and (3) prepare and administer at least one site-specific written examination annually in each of the NRC's four Regions.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

DCS