

October 2, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-91-108 - PROPOSED RULEMAKING FOR
TRAINING AND QUALIFICATION OF NUCLEAR POWER
PLANT PERSONNEL

The Commission (with all Commissioners agreeing) has disapproved the publication of the proposed rule recommended by the staff in SECY-91-108. The Commission believes that the highly prescriptive focus of the approach proposed by the staff is not only unnecessary to accomplish the intended objective, but may prove to be unnecessarily disruptive of the highly successful training programs that have been established by individual nuclear power plant licensees.

Instead, the Commission believes that the agency's objectives can be satisfied with a rule that establishes performance-based training requirements, in a fashion consistent with the general level of detail contained in the first paragraph of Section 6.1 of ANSI/ANS 3.1-1987. Accordingly, the staff should develop for the Commission's consideration a proposed rule that is performance-based in focus, that does not exceed the scope of the

SECY NOTE: This SRM, SECY-91-108, and the Vote Sheets of the Chairman, and Commissioners Rogers, Curtiss and Remick will be made publicly available 10 working days from the date of this SRM.

existing accreditation process (including the positions to which this process applies), and that conforms to the general level of detail contained in the first paragraph of Section 6.1 of ANSI/ANS 3.1-1987 **1**. The rule should specifically require that training programs be developed using a systems approach to training (SAT), with a definition of SAT consistent with that contained in 10 CFR Part 55 included (or referenced) in the rule.**2** The positions to be covered by the rule should be consistent with the scope of the industry's accreditation program.**3**

Staff should develop appropriate regulatory guidance, as described below, to implement the rule, taking into account the considerable knowledge and experience that nuclear power plant licensees have in developing and implementing training programs utilizing a systems approach to performance-based training. In this regard, it would be the Commission's preference to rely, to the extent feasible, on existing objective and criteria documents that industry has developed to define and evaluate SAT programs. In any event, the scope of the rule and any related guidance documents should be substantially based on those positions and activities which are covered by the industry's accreditation program.

To permit the Commission to evaluate the options with regard to how to formulate the guidance, staff should develop two separate regulatory guidance packages, based, respectively, upon the

1 Footnotes can be found on the last page.

following alternative assumptions: (1) industry objective and criteria documents can be directly referenced in the regulatory guidance; and (2) industry objective and criteria documents cannot be directly referenced in the Regulatory Guides.

In developing regulatory guidance which references relevant industry objective and criteria documents (assumption 1), staff should ensure that -- (i) such documents represent an acceptable approach to implementing the rule; (ii) such documents are publicly available⁴; (iii) such documents are referenced in a manner that will not preclude their being readily updated from time to time as might be advisable based on additional experience in their use; and (iv) the agency is advised of any such modifications or updates to any documents so referenced. With regard to this option, to the extent feasible given the time allowed for staff response, staff should provide the Commission with a discussion of all reasonable alternatives for referencing industry documents.

In developing regulatory guidance that would not rely on referencing relevant industry objective and criteria documents (assumption 2), staff should examine existing programs, and include those elements of existing accredited programs that constitute an acceptable program.

Finally, in view of the Court of Appeals decision on this matter, and the fact that this is still a proposed rule, it is essential that the staff ensure that the schedule for response to the Commission is met.

(EDO)

(SECY Suspense: 11/15/91)

Attachment:
As Stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
OIG

Footnotes:

1/ It is not the Commission's intent to require that the actual language of the first paragraph of Section 6.1 of ANSI/ANS 3.1-1987 be employed. Instead, it is the performance-based level of generality contained in this provision that the Commission believes should be reflected in the proposed rule to be developed by the staff. If, of course, the staff believes that it would be desirable to adopt the actual language of Section 6.1 in the regulation, the staff would have the option of recommending such an approach. In this regard, one possible formulation that would rely on language drawn from the ANSI/ANS standard is set forth in the attachment.

2/ It is the Commission's understanding that the definition of SAT contained in 10 CFR Part 55 is consistent with the methodology currently being employed by the industry. If this is not the case, staff should advise the Commission.

3/ The Commission does not support the staff's recommendation to expand the training rule to encompass personnel involved in severe accident issues or quality assurance matters. The agency's existing regulations currently address these areas.

4/ It is the Commission's understanding that these documents are currently publicly available. If this is not the case, staff should consult the Commission for additional directions.