



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 28, 2001

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-01-0125

TITLE:                   FINAL RULEMAKING TO AMEND 10 CFR PT 55,  
"OPERATORS' LICENSES," REGARDING  
OPERATOR LICENSE ELIGIBILITY AND THE  
USE OF SIMULATION FACILITIES IN  
OPERATOR LICENSING; AND REVISION 3 OF  
REGULATORY GUIDE 1.149, "NUCLEAR  
POWER PLANT SIMULATION FACILITIES FOR  
USE IN OPERATOR TRAINING AND LICENSE  
EXAMINATIONS"

The Commission (with all Commissioners agreeing) approved the final rule as in the Affirmation Session Staff Requirements Memorandum (SRM) of September 28, 2001.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in cursive script, reading "Annette L. Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:       Chairman Meserve  
          Commissioner Dicus  
          Commissioner McGaffigan  
          Commissioner Merrifield  
          OGC  
          EDO  
          PDR

VOTING SUMMARY - SECY-01-0125

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	9/7/01
COMR. DICUS	X					8/23/01
COMR. McGAFFIGAN	X					8/23/01
COMR. MERRIFIELD	X				X	8/20/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the final rule as reflected in the Affirmation Session SRM issued on September 28, 2001.

AFFIRMATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

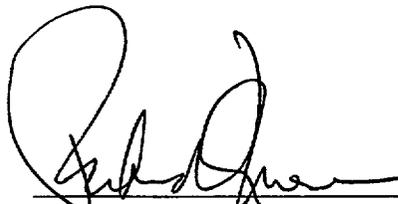
FROM: CHAIRMAN MESERVE

SUBJECT: **SECY-01-0125 - FINAL RULEMAKING TO AMEND 10 CFR PART 55, "OPERATORS' LICENSES," REGARDING OPERATOR LICENSE ELIGIBILITY AND THE USE OF SIMULATION FACILITIES IN OPERATOR LICENSING; AND, REVISION 3 OF REGULATORY GUIDE 1.149, "NUCLEAR POWER PLANT SIMULATION FACILITIES FOR USE IN OPERATOR TRAINING AND LICENSE EXAMINATIONS"**

Approved  <sup>with comments</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

  
\_\_\_\_\_  
SIGNATURE

SEP 7, 2001  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

CHAIRMAN MESERVE'S COMMENTS ON SECY-01-0125

I approve the staff's request to publish the final 10 CFR Part 55, "Operators' Licenses" rule. This final rulemaking provides a fine example of the agency's ability to increase overall plant safety, while at the same time reducing unnecessary regulatory burden. The rule change provides an increase in plant safety by eliminating the need to disrupt plant operations, while at the same time maintaining the level of training and experience required of licensed operator applicants. Unnecessary regulatory burdens are removed by deleting reporting requirements which add little regulatory value. Staff should be commended for its efforts.

I attach some additional changes to the Federal Register notice.

## Background

Prior to 1987, the Commission's <sup>regulatory</sup> position was that simulator experience was not necessarily equivalent to actual nuclear power plant operating experience. The industry and the public supported this position, citing inherent problems and uncertainties in simulator technology, and the few plant-specific simulators in existence at the time. ✓

The Commission became increasingly aware of the need to update its operator licensing requirements, in particular the need to clarify the extent to which simulators may be used in the operator licensing process. In 1987, the Commission amended substantial portions of 10 CFR Part 55 to (1) formalize the requirement for license applicants to perform five significant manipulations to control reactivity or power level on the actual plant as a prerequisite for license eligibility; (2) require that every operating test be administered in a plant walk-through and a simulation facility that was either approved by the Commission or certified by the facility licensee as a plant-referenced simulator; and (3) require submittal of periodic performance tests on the simulation facility, and maintenance of records pertaining to the conduct of these tests and the results obtained. (See 52 FR 9453; March 25, 1987). Consequently, facility licensees began to develop simulators for operator licensing and training which were certified by licensees to be in accordance with national standard ANSI/ANS-3.5-1985, "Nuclear Power Plant Simulators for Use in Operator Training." Eventually, every facility with a current Part 50 license procured a plant-referenced simulator and submitted a certification for its use to the Commission.

Since <sup>added advances in</sup> After 1987, simulation technology has increased the simulators' computing capability, model complexity, and fidelity. Consequently, the Commission has fewer concerns regarding the equivalence of experience gained on simulation facilities and that obtained on the actual plant. ✓  
Add: Hereby  
↓ Simulator testing has changed considerably since the current rule was published in 1987. Specifically, the ANS 3.5 Standard Committee Working Group (WG) initiated a new, improved ✓  
approach to simulator testing with the issuance of ANSI/ANS-3.5-1998, "Nuclear Power Plant Simulators for Use in Operator Training and Examination," <sup>which</sup> ~~that~~ employs a scenario-based testing philosophy that is inconsistent with the testing assumptions and requirements of the current rule. ✓  
The Commission has reviewed this new industry standard, found it acceptable, ✓

As an alternate approach, the

and determined that the existing regulatory requirements contain prescriptive aspects that are impediments to industry adoption of the 1998 standard and are no longer necessary to support required training and examination programs. The Commission has also determined that the current requirements for facility licensee certification of plant referenced simulators and routine submittal of simulation facility performance test failures, with a schedule for corrections, are unnecessarily burdensome for licensees and can be replaced by NRC review of plant-referenced simulators for acceptability and performance test results of simulation facilities before simulator facility use for operating tests.

**Discussion**

With this final rule, the Commission is updating its positions regarding the use, certification, and reporting requirements for performance testing of simulation facilities. The final rule amends 10 CFR Part 55 to take advantage of improvements in simulator technology and to reduce unnecessary regulatory burden on licensees by:

- (1) Allowing applicants for operator and senior operator licenses to fulfill a portion of the required experience prerequisites by manipulating a plant-referenced simulator as an alternative to manipulation of the controls of the actual nuclear power plant,
- (2) Removing current requirements for facility licensee certification of their simulation facilities, and
- (3) Eliminating the necessity for routine submittal of reports to the NRC for review that identify any uncorrected performance test failures and a schedule for correction.

Finally, the final rule facilitates voluntary licensee transition to an improved approach to simulator testing as described in industry standard ANSI/ANS-3.5-1998, "Nuclear Power Plant Simulators for Use in Operator Training and Examination." Revision 3 to Regulatory Guide 1.149, "Nuclear Power Plant Simulation Facilities for Use in Operator Training and License Examinations," endorses this standard and is being published in conjunction with this final rule.

*Performance of Control Manipulations on the Plant-Referenced Simulator*

The current rule requires that applicants for operator and senior operator licenses perform five significant control manipulations that affect reactivity or power level on the actual plant. This final rule will allow applicants to perform the manipulations either on a plant-referenced simulator or on the actual plant at the facility licensee's discretion. When simulators are used to provide for performance of control manipulations, the final rule requires that: (1) simulator models replicate the nuclear and thermal-hydraulic characteristics of the most recent core load in the nuclear power reference plant for which a license is being sought; and (2) significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence. These requirements ensure that simulator experience replicates evolutions on the plant and that license applicants receive the same overall experience in safe plant operation as they would on the plant itself.

The use of a plant-referenced simulator of appropriate fidelity for these manipulations is acceptable because of improvements in simulator technology and <sup>14</sup>13 years of successful experience in using simulators after the 1987 revision of Part 55. Plant-referenced simulators provide operator training and realistic examination scenarios on reactivity manipulations, other normal and abnormal procedure operations, complex plant operations, and emergency operating procedure evolutions, including the management of simultaneous tasks and faulted conditions. This final rule will allow license applicants to fulfill a portion of the required experience requirements in the facility's plant-referenced simulator without disrupting the operation of the actual plant.

During the public comment period, the Nuclear Energy Institute (NEI) and several additional commenters recommended changing proposed §55.45(b)(3)(i)(A), which would have required that the simulator model replicate the plant "at the time of the applicant's operating test." The commenters <sup>stated</sup> recommended that the words "at the time of the applicant's operating test" be deleted because ~~this~~ could unnecessarily restrict the candidate's opportunities to conduct reactivity manipulations ~~to a short time just before the operating test.~~ The commenters also stated that ~~this would be~~ a problem if a refueling outage occurs near the time the applicant was scheduled for the operating test or if the date of the operating test changed. The

*the proposed language would create a problem.*

Commission acknowledges <sup>the</sup> NRC's concern that the proposed ~~wording~~ <sup>rule</sup> of §55.45(b)(3)(i)(A) (§55.46(c)(2)(i) of the final rule) would have restricted the candidates' opportunities to conduct the reactivity manipulations ~~to a short time just before the operating test.~~ The Commission does not intend to be unduly restrictive with regard to the timing for conduct of the five significant control manipulations on a plant-referenced simulator. Therefore, the Commission has revised §55.46(c)(2)(i) of the final rule to require the plant-referenced simulator to "replicate the most recent core load in the nuclear power reference plant for which a license is being sought," <sup>by deleting</sup> without the words "at the time of the applicant's operating test." It is the Commission's intent that the phrase "most recent" means the current core or if the plant is in a refueling outage, ~~"most recent"~~ <sup>means</sup> the core just previous to the outage.

WAB

#### *Simulator Certification and Routine Submittal of Performance Test Reports*

The current rule requires licensees who use plant-referenced simulators to certify on NRC Form 474, "Simulation Facility Certification," that their simulator meets Commission regulations. The current regulations also require that test documentation and test schedules be submitted quadrennially. <sup>have</sup> There are licensee-certified, plant-referenced simulators <sup>and</sup> ~~now at all~~ currently licensed power reactor facilities. The NRC staff's experience has shown that the submitted quadrennial reports are of minimal value.

The final rule eliminates current requirements in §55.45(b) for: (1) facility licensee certification of their simulation facilities, and (2) routine submittal of reports to the NRC for review which identify any uncorrected performance test failures and a schedule for correction. Continued assurance of simulator fidelity is provided, in the final rule in new §55.46(d), by <sup>ing</sup> requirements for licensees to: (1) conduct performance testing and retain results for four years, (2) correct modeling and hardware discrepancies and discrepancies identified from scenario validation and ~~from~~ performance testing, (3) make the results of any uncorrected performance test failures available ~~on-site~~, and (4) maintain the provisions for license application, examination, and test integrity consistent with Section 55.49. In addition, NRC reviews or inspections to ensure compliance with final rule requirements at simulation facilities will maintain safety without the unnecessary burden of certification and submittal of simulator performance test reports. If NRC reviews associated with operating tests for operator license applicants or inspections completed using the Requalification Inspection Procedure as part of

for NRC review

the oversight process find that a plant-referenced simulator is unsuitable because it does not demonstrate expected plant performance or meet the requirement specified in items (1) and (4) above, then the simulator may not be used to conduct operating tests for operator license applicants, requalification training, or control manipulations until the simulator is made suitable. In any case, simulation facilities, including plant-referenced simulators, must additionally meet (2) and (3) of the requirements of §55.46(d) for continued assurance of simulator fidelity. Further, NUREG-1021, Revision 8, "Operator Licensing Examination Standards for Power Reactors," provides detailed policies, procedures, and practices for examining applicants for reactor operator and senior reactor operator licenses. NUREG-1021 essentially ensures that simulator scenarios for examinations are completed without procedure exceptions or simulator performance exceptions.

Facility licensees have trained licensed operators and applicants for operator and senior operator licenses on plant-referenced simulators that were certified in accordance with the 1985 edition of ANSI/ANS-3.5, "Nuclear Power Plant Simulators for Use in Operator Training and Examination." This national <sup>industry</sup> standard specifies full-scope, stand-alone testing of system models and simulator training capabilities as part of initial simulator acceptance testing. Facility licensees have continued to test their plant-referenced simulators as tested during initial development and to submit test schedules and reports on a quadrennial basis. The industry's approach to computer software development and simulator testing has changed considerably since 1987 through the issuance of the 1998 version of ANSI/ANS-3.5. The standard has moved away from continued full-scope, stand-alone testing of system models and simulator training capabilities toward a scenario-based testing and quality-control philosophy.

For facility licensees that adopt the 1998 revised national standard, the final rule revision allows for a change in the type of performance testing from a prescriptive simulator testing program in the context of initial simulator procurement to a scenario-based and operability performance testing program. The final rule does not require facility licensees to adopt the 1998 version of ANSI/ANS-3.5 or to modify existing simulator support programs or practices. Because the final rule continues to require performance testing, facility licensees that do not adopt the 1998 revised national standard will perform the same type of performance testing as before. The final rule will allow facility licensees to adjust their performance test programs to their end-user needs, as defined by their accredited systems-approach-to-training (SAT)

programs, or to conform their existing simulator programs to the new revision of ANSI/ANS-3.5. This rule and the associated Revision 3 of Regulatory Guide 1.149, "Nuclear Power Simulation Facilities for Use in Operator Training and License Examinations," that endorses ANSI/ANS-3.5-1998 without exceptions, reduces inconsistencies between the operational needs of facility licensee programs and the simulator testing requirements.

#### *Clarification of Part 55 Definitions*

In 10 CFR 55.4, "Definitions," the proposed rule would have defined performance testing as follows: "Performance testing means validation, scenario-based, or operability testing conducted to verify a simulation facility's performance as compared to actual or predicted reference plant performance." During the public comment period, the ANS 3.5 Standards Committee WG recommended that the proposed definition be changed to eliminate the word "validation." The Commission agrees with that suggestion and, further, the Commission has reconsidered the inclusion of the phrase ". . . scenario-based, or operability . . ." because it could be interpreted as limiting a facility licensee to the use of the ANSI/ANS-3.5-1998 standard. Therefore, the Commission has retained the original definition of performance testing in the final rule as "*Performance testing* means testing conducted to verify a simulation facility's performance as compared to actual or predicted reference plant performance."

→ The definition of "plant-referenced simulator" is revised to remove the last sentence and to relocate the <sup>substance</sup> provision of that sentence to new §55.46(c)(1). This is a conforming change that provides clarity to the regulation. The first sentence of the definition remains the same. ✓

The term "reference plant" is defined in §55.4 as "the specific nuclear power plant from which a simulation facility's control room configuration, system control arrangement, and design data are derived." This definition remains the same in the final rule and continues to provide clarification that for a simulation facility, a specific plant (unit) at a multi-plant (unit) site is the "reference plant." The Commission realizes that the use of inconsistent terminology can be confusing and has made clarifications where appropriate in preparing the final rule. However, the Commission intends to re-evaluate the use of the term "reference plant" in the future.

Regulatory  
under Principal Reactor Programs under Operator Licensing Program. Additionally, the answers to any questions will be available and may be viewed as discussed above under the heading ADDRESSES.

*Revisions to Regulatory Guide REG 1.149, Revision 3*

A draft version of the associated regulatory guide (DG-1080, Proposed Revision 3 of Regulatory Guide 1.149) that proposed endorsing ANSI/ANS-3.5-1998 was made available for public comment (64 FR 45985). The final Regulatory Guide 1.149 is being made available concurrently with this final amendment. The regulatory guide is available for inspection in the NRC Public Document Room or it may be viewed and downloaded electronically through the interactive rulemaking web site established by the NRC for this rulemaking, as discussed above under the heading ADDRESSES. Single copies may be obtained from David Trimble, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, telephone 301-415-2942, or by electronic mail to [dct@nrc.gov](mailto:dct@nrc.gov).

**Analysis of Public Comments**

The proposed rule was published in the *Federal Register* on July 3, 2000 (65 FR 41021), and the public comment period ended on September 18, 2000. The Commission received 15 comment letters on the proposed rule: 3 comments from individuals, 9 from nuclear power plant licensees (utilities), 1 from a utility organization (Nuclear Energy Institute), 1 from a licensed operator organization (the Professional Reactor Operators Society (PROS)), and 1 from a national consensus standard working group (Standards Committee WG ANS-3.5). One letter with a request for an extension to the comment deadline was also received. No public comments were received from any State agency. No public meetings were held to discuss the proposed rule nor were any requested. However, the general status of the proposed rule was discussed at NEI Initial Operator Licensing Focus Group Meetings open to the public. The comment letters may be viewed on the NRC's Web site, <http://www.nrc.gov/NRC/rule.html>, under "NRC Rulemaking Web Site," "News, Information and Contacts for Current Rulemaking."

**Section 55.31 How to Apply.**

Section 55.31(a)(5) is revised to allow that the required five significant control manipulations that affect reactivity or power level to be performed either on a plant-referenced simulator or on the plant itself, at the facility licensee's discretion.

By providing an option for facility licensees to use plant-referenced simulators for control manipulations, the final rule makes unnecessary the need for current provisions in §55.31(a)(5) addressing the use of simulators for performance of control manipulations for facilities that have not yet completed pre-operational testing and initial startup test programs and provisions addressing plants in extended shutdowns. Thus those provisions are removed.

**Section 55.45 Operating Tests (b) Implementation -- Administration.**

Former §§55.45(b)(4) and (5) dealing with simulators have been separated from the requirements for operating tests in §55.45 and consolidated in a new §55.46, "Simulation Facilities."

Section 55.45(b) requires that the operating test for an operators license be administered on either a Commission-approved simulation facility, a plant-referenced simulator, or on the actual plant, if approved by the Commission.

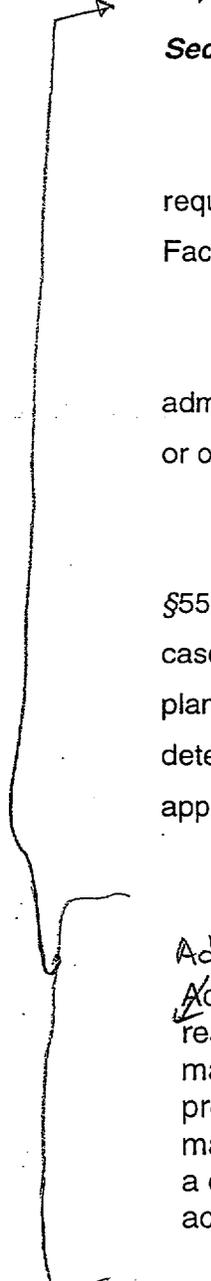
Facility licensees proposing to use a plant-referenced simulator meeting the definition in §55.4 are not required to submit a request for Commission approval of that simulator. For cases when facility licensees propose to use a simulation facility not meeting the definition of a plant-referenced simulator, the Commission will continue to require additional information to determine the acceptability of the simulator and thus, will require an application for Commission approval.

Additionally,

Acceptable simulator training scenarios involving control manipulations that affect reactivity are identified in the final rule for clarity by reference to current control manipulations and training scenarios described in paragraph 55.59. Consistent with previously issued regulatory guidance, the list provides examples of acceptable control manipulations, which are a subset of evolutions in 55.59(c)(3)(i), and affect reactivity in a controlled manner and exclude those items on the list that are major transients and accidents.

Section 55.31(a)(5)

Insert



their proposed use are suitable for the conduct of operating tests for the facility licensee's reference plant under §55.45(a).

**(c) Plant-referenced simulators.**

Section 55.46(c) requires that a plant-referenced simulator used for the administration of the operator licensing operator test or to meet the experience requirements of §55.31(a)(5) to demonstrate expected plant response to operator input and to normal, transient, and accident conditions to which the simulator has been designed to respond. Sections 55.46(c)(1)(i) and (ii) are revised to include the provision that a plant-referenced simulator is designed and implemented so that it: (1) is sufficient in scope and fidelity to allow conduct of the evolutions listed in §§55.45(a)(1) through (13) and §§55.59(c)(3)(i)(A) through (AA), as applicable to the design of the reference plant; and, (2) allow for the completion of control manipulations for licensed operator applicant eligibility consistent with §55.46(c)(2).

Section 55.46(c)(2)(i) provides that the plant-referenced simulator utilizes models relating to nuclear and thermal-hydraulic characteristics that replicate the most recent core load in the nuclear power reference plant for which a license is being sought. Section 55.46(c)(2)(ii) provides that simulator fidelity has been demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence. It is the Commission's intent that the phrase "most recent" means the current core or if the plant is in a refueling outage, ~~"most recent"~~ means the core just previous to the outage. ✓  
✓

**(d) Continued assurance of simulator fidelity.**

Section 55.46(d) requires that facility licensees which maintain a simulation facility shall: (1) conduct performance testing throughout the life of the simulation facility in a manner sufficient to ensure that the criteria of §55.46(c)(1)(ii), as applicable, and §55.46(d)(3) are met, and retain the test results for four years after the completion of each performance test or until superseded by updated test results; (2) correct modeling and hardware discrepancies and discrepancies identified from scenario validation and from performance testing; (3) make the

consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. This final rule sets forth requirements with respect to training of operators, and removing current certification requirements for simulators, which are not addressed in any industry consensus standards. With respect to certification of a simulator, the Commission has determined that the industry consensus standard in this area, American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.5, "Nuclear Power Plant Simulators for Use in Operator Training and Examination" is prescriptive rather than performance-based and is more appropriate for endorsement as one acceptable means for complying with requirements of the final rule. Accordingly, Regulatory Guide 1.149, Revision 3, as an acceptable method by which facility licensees might implement specific parts of this rule and endorses the ANSI/ANS-3.5-1998.

### Finding of No Significant Environmental Impact and Categorical Exclusion

The Commission has determined under the National Environmental Policy Act (NEPA) of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51 that this rule falls within the categorical exclusions of sections 51.22(c)(1), (2), and (3)(i) and (iii). Therefore, neither an environmental impact statement nor an environmental assessment is required.

### Paperwork Reduction Act Statement

This final rule eliminates all the information collection requirements for Office of Management and Budget approval number 3150-0138. Because the rule will eliminate information collection requirements, the public burden for these information collections is expected to be decreased by 120 hours per response. This reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the information collection. Send comments on any aspect of these information collections, including suggestions for further reducing the burden, to the Records Management Branch (T-6E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail at [BJS1@nrc.gov](mailto:BJS1@nrc.gov) and to the Desk

## Backfit Analysis

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because it does not impose new requirements as defined in 10 CFR 50.109(a)(1). The final rule changes constitute either permissible relaxations from current requirements or provide an alternative regulatory approach without changing substantive existing requirements. Therefore, a backfit analysis has not been prepared. Facility licensees would not be required by this final rule to change existing programs. The final rule permits the five significant control manipulations to be conducted at either the actual facility or a plant-referenced simulator. The final rule clarifies criteria on simulator fidelity assurance. The final rule also eliminates certification of simulation facilities and submittal of quadrennial test reports and schedule information.

The final rule entails costs on the part of both the NRC and the industry for one-time revision of existing programs. However, the regulatory analysis suggests that industry could recover these costs and the final rule would be an overall burden reduction.

As discussed <sup>above</sup> below, the Commission has prepared a regulatory analysis for the proposed rule that examines the costs and benefits of the proposed requirements in this rule. ✓  
The Commission regards the regulatory analysis as a disciplined process for assessing information collection and reporting requirements to determine that the burden imposed is justified in light of the potential safety significance of the information to be collected.

## Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the Commission has determined that this action will have no adverse impact on small businesses and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

AFFIRMATION VOTE

12 JUL 01 1:12

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DICUS

SUBJECT: **SECY-01-0125 - FINAL RULEMAKING TO AMEND 10 CFR PART 55, "OPERATORS' LICENSES," REGARDING OPERATOR LICENSE ELIGIBILITY AND THE USE OF SIMULATION FACILITIES IN OPERATOR LICENSING; AND, REVISION 3 OF REGULATORY GUIDE 1.149, "NUCLEAR POWER PLANT SIMULATION FACILITIES FOR USE IN OPERATOR TRAINING AND LICENSE EXAMINATIONS"**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

Annette Joy Dicus  
SIGNATURE

August 23, 2001  
DATE

Entered on "STARS" Yes  No

AFFIRMATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

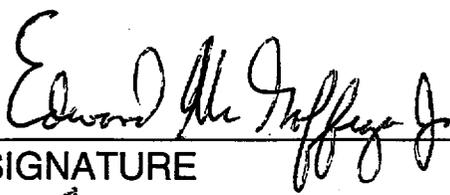
FROM: COMMISSIONER MCGAFFIGAN

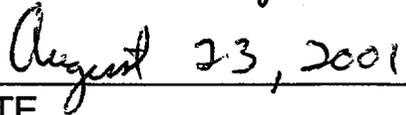
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Approved  Disapproved  Abstain

Not Participating

COMMENTS:

  
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SIGNATURE

  
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DATE

Entered on "STARS" Yes  No

AFFIRMATION VOTE

RESPONSE SHEET

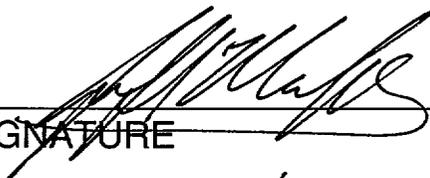
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-01-0125 - FINAL RULEMAKING TO AMEND 10 CFR PART 55, "OPERATORS' LICENSES," REGARDING OPERATOR LICENSE ELIGIBILITY AND THE USE OF SIMULATION FACILITIES IN OPERATOR LICENSING; AND, REVISION 3 OF REGULATORY GUIDE 1.149, "NUCLEAR POWER PLANT SIMULATION FACILITIES FOR USE IN OPERATOR TRAINING AND LICENSE EXAMINATIONS"**

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

*See attached comments.*

  
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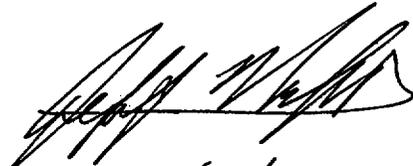
*8/30/01*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes ✓ No \_\_\_\_\_

**Commissioner Merrifield's Comments on SECY-01-0125**

I have carefully reviewed the final rule presented in SECY-01-0125 and am confident that it is consistent with the agency's strategic and performance goals, as well as with our safety mission. Thus, I approve the publication of the Federal Register notice that promulgates the final rule and commend the staff for their efforts associated with it.

I encourage the staff to reassess the draft press release and congressional letters pertaining to the final rule. I do not believe that these documents clearly convey the NRC's basis for the rule change nor do they adequately discuss the rule change within the context of the NRC's extensive operator training and licensing requirements. I also do not believe that these documents adequately reflect the dramatic improvements that have occurred in simulator technology since 1987. I have attached some suggested changes to these documents for the staff's consideration.



8/20/01