

CONTROL OF OPERATOR LICENSING GUIDANCE DOCUMENTS

A. PURPOSE

The purpose of this Operator Licensing Manual Chapter (OLMC) is to outline the requirements for issuing and revising the following operator licensing guidance documents:

- NUREG-1021, "Operator Licensing Examination Standards for Power Reactors"
- NUREG-1122, "Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Pressurized Water Reactors"
- NUREG-1123, "Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Boiling Water Reactors"
- Operator Licensing Manual Chapters
- Regional Operator Licensing Guidance Documents

B. BACKGROUND

1. In accordance with NRR Office Instruction ADM-200, "Delegation of Signature Authority," the decision-making authority and responsibility for all actions within a functional area rest with the cognizant division director. NRR division directors are specifically responsible for approving the publication of NUREG reports related to their functional areas (Item 8 in Attachment 1 to ADM-200). Signature authority for procedural and programmatic guidance related to regional oversight of the operator licensing function (Item 36.b.(1) in Attachment 1 to ADM-200) is delegated to the cognizant NRR branch chief. NRR division directors may issue written guidance reflecting internal NRR signature authorities that are consistent with the delegation of authority reflected in Attachment 1 to the ADM.
2. The NRR operator licensing (OL) program office staff and management are collectively responsible for developing and maintaining the procedures and policies necessary to implement 10 CFR Part 55, "Operators' Licenses." The goals are to implement the regulations in a consistent, efficient, and effective manner that maintains safety and promotes public confidence, while minimizing unnecessary regulatory burden on facility licensees. To that end, the staff shall remain attentive to lessons learned and feedback from NRC operator license examiners and supervisors, facility licensees, the public, and industry groups (e.g., the Nuclear Energy Institute (NEI), the Professional Reactor Operators' Society (PROS), and the Institute of Nuclear Power Operations (INPO)).

C. INSTRUCTIONS

1. General

- a. When the need for additional, clarified, or modified guidance is identified, the OL program office staff and management will determine the appropriate vehicle and schedule for promulgating the required guidance.
- b. All changes, clarifications, and additions to guidance shall be reviewed to ensure compliance with 10 CFR 50.109, "Backfitting." Refer to NRR Office Letter 500, "Procedure for Control and Review of Generic Requirements," for detailed instructions regarding interactions with the Committee to Review Generic Requirements (CRGR).
- c. Interim (and generally minor) publically available guidance clarifications may be promulgated per Section C.2 below and/or the generic communication process outlined in NRR Office Instruction LIC-503, "Generic Communications Affecting Nuclear Reactor Licensees."
- d. More extensive publically available guidance changes, enhancements, and additions will be developed in accordance with the formal revision process outlined in Section C.3 below.
- e. New internal guidance and revisions thereto will be promulgated using the Report on Interaction (ROI) process per OLMC-160, "Regional Office Interactions," or by developing/revising the applicable OLMC, as discussed in Section C.4 below.
- f. Regional guidance documents will be controlled as discussed in Section C.5 below.

2. Interim Guidance Clarifications

- a. When the need for guidance clarification is identified pursuant to Section B.2 above, the OL program office staff will prepare the applicable guidance, including a discussion of the issue and the rationale for the clarification. Guidance clarifications that change or contradict an existing NUREG, that may constitute a backfit, or for which public comments would be appropriate shall be handled in accordance with the formal revision process outlined in Section C.3.
- b. Upon approval by the OL program office section chief, the staff will solicit comments (email is acceptable) from the regional OL branch chiefs, review their comments, and incorporate recommended changes, as appropriate. Proposed guidance clarifications will generally also be

discussed during a periodic OL counterparts meeting or, depending upon the urgency and nature of the clarifications, during an OL conference call.

- c. The OL program office will generally discuss the proposed guidance clarification during a regularly scheduled public meeting with the NEI operator licensing focus group. Urgent clarifications may be generated based upon communications or correspondence with the NEI counterpart; such items will be reviewed during the next focus group meeting. Refer to NRR Office Instruction COM-204, "Interfacing With Owners Groups, Vendors, and NEI," for more information, including documentation requirements.
- d. The OL program office staff will consider, based upon the nature of the clarified guidance, the need for additional reviews by the Office of General Counsel (OGC) and other industry groups (e.g., INPO and PROS) on a case-by-case basis before forwarding the proposal to the OL division director for approval.
- e. The OL program office staff will prepare a cover memorandum forwarding the clarified guidance from the OL division director to the regional OL counterparts. The memorandum will specifically address the staff's position regarding backfit and CRGR review and its plan for implementing the clarified guidance (e.g., that it will be implemented immediately or at some future date by placing it on the "Operator Licensing Regulations, Guidance, and Communications" web page and into the Public Electronic Reading Room).
- f. If the guidance clarification is acceptable, the OL division director will sign the cover memorandum and the OL staff will execute the implementation plan. As a courtesy, the OL staff will notify the NEI counterpart and other industry groups, as appropriate, when the guidance is available.

3. Formal Guidance (NUREG) Revisions

- a. When the need for new or modified guidance is identified pursuant to Section B.2 above, the OL program office staff will develop the applicable guidance, including a discussion of the issues and the rationale for the guidance. Any interim guidance clarifications that were previously promulgated per Section C.2 above and, as appropriate, any internal guidance that was promulgated per the ROI process in OLMC-160, will be considered for incorporation in the formal revision package.

Guidance revisions may be promulgated by replacing selected pages with a supplement to an existing NUREG revision, in which case the new and deleted text would be identified with vertical bars in the right and left margins, or by publishing a completely new revision or report, in which

case no page markings are required. Refer to Management Directive 3.7, "Unclassified Staff Publications in the NUREG Series," and NUREG-0650, "Preparing NUREG Series Publications," for additional guidance and requirements.

- b. Upon approval by the OL program office branch chief, the staff will forward (using a cover memorandum) the proposed revision to the regional OL branch chiefs for comment. The staff will review the regional comments and incorporate any recommended changes, as appropriate. The proposed changes will generally also be discussed during a periodic OL counterparts meeting.
- c. Upon resolving and incorporating the regional comments, the OL program office staff will solicit and, as appropriate, incorporate technical editor comments on the proposed revision package and prepare the draft manuscript for publication.
- d. The OL staff will prepare NRC Form 335, "Bibliographic Data Sheet," and NRC Form 426, "Release to Publish Unclassified NRC Staff Publications," which must accompany the draft NUREG when it is forwarded to the Publishing Services Branch (PSB); Form 426 must be signed by the OL division director. The OL staff will also prepare a *Federal Register* notice (FRN) announcing that the draft NUREG revision is available for public comment. The FRN, which may be signed by the OL branch chief, will generally indicate how a copy of the draft NUREG can be obtained (e.g., the Public Electronic Reading Room, the NRC web site, or hard copy, as appropriate), the due date for comments, who to contact with questions, and whether the guidance is being implemented on a trial basis. If the draft NUREG revision will be implemented on a trial basis, the comment period must be long enough to facilitate meaningful feedback given the lead time in preparing and administering the examinations.
- e. Upon its approval by the OL division director, the OL program office staff will forward the draft NUREG to PSB for final review and publication. The staff will also forward the FRN to the Rules and Directives Branch for publication after the NUREG becomes available. At that time, the staff will informally notify its counterparts at NEI, INPO, and PROS that the FRN has been issued and that the draft NUREG is available for comment and trial use, if applicable. The staff may also schedule public meetings to discuss the revision, if deemed appropriate by OL program office management.
- f. At the conclusion of the comment (and trial use, if applicable) period, the OL program office staff will collate, review, and summarize the internal and public comments, participant feedback surveys, examination reports,

and any other feedback regarding the proposed NUREG guidance changes. The staff will incorporate and justify the changes, as appropriate, and management will determine if the revision requires further review, discussion, or comment by the regional or industry counterparts or the public.

- g. When the final revision is complete, the OL program office staff will forward the NUREG to the OL division director with a cover memorandum that specifically addresses the staff's position regarding backfit and provides a recommendation regarding the need for review by OGC and CRGR. If additional reviews are determined to be necessary, the staff will coordinate those activities, revise the NUREG as appropriate, and obtain the required concurrences.
- h. When the required concurrences are complete or determined to be unnecessary, the OL program office staff will again prepare NRC Form 335, NRC Form 426, and an FRN that announces the NUREG's availability and outlines the implementation schedule.
- i. When Form 426 is signed by the OL division director, the OL program office staff will forward the NUREG revision to PSB for final review and publication. The staff will also forward the FRN to the Rules and Directives Branch for publication after the NUREG becomes available. At that time, the staff will informally notify its counterparts at NEI, INPO, and PROS that the NUREG revision has been published and will become effective on the date specified in the FRN.

4. Internal Guidance Development and Revision

- a. The OL program office staff and management will exercise judgment in determining whether to promulgate internal guidance per the ROI process in OLMC 160 or by issuing/revising an OLMC. Policy questions and answers that are initially documented in an ROI may later be incorporated in an OLMC. When the need for new or modified OLMC is identified pursuant to Section B.2 above, the OL program office staff will prepare the applicable guidance, including a discussion of the issue and the rationale for the guidance.

Revisions to an OLMC may be promulgated by replacing selected pages, in which case the new and deleted text would be identified with vertical change bars in the right and left margins, or by issuing a completely new revision, in which case no page markings are required.

- b. Upon approval of the OLMC revision by the OL program office section chief, the staff will solicit comments (email is acceptable) from the regional OL branch chiefs, review their comments and incorporate

recommended changes, as appropriate. New or modified guidance may also be discussed during a periodic OL counterparts meeting or, depending upon the urgency and nature of the guidance, during an OL conference call.

- c. When all the regional inputs have been considered, the OL program office staff will prepare a cover memorandum forwarding the approved OLMC (revision) from the OL branch chief to the regional OL BCs.
- d. If the guidance clarification is acceptable, the OL branch chief will sign the memorandum and the OL staff will dispatch and implement the OLMC (revision). The OL staff will enter the guidance in the Agency-wide Document Access and Management System (ADAMS) as a public document.

5. Regional Guidance Documents

The OL program office acknowledges the regions' prerogative to develop supplemental implementation guidance, as necessary, to control internal operator licensing activities. However, in order to maintain inter-regional consistency, the following conditions and restrictions must be observed:

- a. As stated in Section B of ES-201 (Revision 8, Supplement 1), "the regional offices shall obtain program office approval before undertaking any initiative that could undermine interregional examination consistency." Nevertheless, the regions may promulgate and implement written policies and guidance that clarify and are consistent with the intent of NUREG-1021 without prior review and approval by the OL program office. However, copies of those policies and guidance shall be provided to the OL program office and each of the other regional operator licensing BCs for review and consideration. The program office will consider whether the regional guidance merits nationwide promulgation via an ROI, an OLMC, the OL website, or a future revision of NUREG-1021. The regional BCs shall screen the guidance for interregional conflicts that could undermine examination consistency and bring any potential problems to the attention of the program office so they can be resolved.
- b. As stated in Section B of ES-201 (Revision 8, Supplement 1), "the regional offices shall obtain approval from the NRR operator licensing program office before knowingly deviating from the criteria specified in NUREG-1021." If a policy or guideline is unclear, the Region shall obtain clarification from the program office.
- c. Under no circumstances may the region unilaterally impose expectations or requirements on facility licensees that are more demanding or restrictive than those contained in NUREG-1021.

- d. The regional policies and guidelines shall, minimally, include the following disclaimers: (1) that NUREG-1021 always takes precedence if a conflict is identified; (2) that anyone discovering a conflict shall promptly bring it to the attention of the issuing authority; (3) that the regional policies and guidelines do not replace or eliminate the requirements of or the need to be familiar with NUREG-1021; (4) and that the regional policies and guidelines do not impose any requirements or expectations on licensees beyond those in NUREG-1021.
- e. All regional guidance documents shall include detailed cross-references to NUREG-1021, as appropriate, and shall be maintained up-to-date with changes and revisions to the NUREG.
- f. The regional guidance documents are intended for internal use only and shall not be referenced in discussions or correspondence with facility licensees.