NRC/NEI Licensing Action Task Force Meeting
February 27, 2003

NEI Handout

Attachment 2

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
19.13(b)	Worker dose report	Annual report from licensee to each radiation worker *[NRR 7/24/02 list]*	• Delete – redundant to 19.13(a) reports.	Medium	LATF – Schoppman NRC – Jaffe		LATF Pilot pending
20.1904	Labeling containers	Establish a threshold *[NRR 7/24/02 list]*	• Exclude containers inside the radiation protection area from this requirement unless the container's dose rate or contamination level is greater than RPA ambient.	Medium	LATF – Schoppman NRC – Jaffe		LATF Pilot pending
20.2104	Determination of prior occupational dose	Attempt to obtain cumulative occupational dose records for an individual likely to receive, in a year, an occupational dose requiring monitoring *[NRR 7/24/02 list]*	• Eliminate the requirement to attempt to obtain cumulative dose records. Cumulative dose should not be required because all dose limits are annual.	Medium	LATF – Schoppman NRC – Jaffe		LATF Pilot pending
50.4 50.4(b)(6)	Written communications & UFSAR copy requirements	Requirements regarding addressees, distribution lists, forms of communication, etc. *NOTE: On 9/6/02, NRC published a Proposed Rule on electronic submittals for comment by 10/21/02. NEI comments were submitted 10/18/02.*	• Revise 50.4 to bring it up to date. • Revise (reduce) the number of names on the Service List. • Add an EIE option *[See also RIS-2001-05, "Guidance on Submitting Documents to the NRC by Electronic Information Exchange or on CD-ROM," 1/25/01].*	Medium	LATF – Schoppman NRC –		

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
50.33(f)	Financial Qualification	Contents of applications *[NRR 7/24/02 list]*	• Eliminate the requirement	High	LATF – Schoppman NRC – Reckley		
50.34(f)	Additional TMI-Related Requirements	Additional requirements for post-1982 applications. *[NRR 7/24/02 list]*	• Broad review to determine unnecessary TMI-related requirements	Medium	LATF – NRC – Reckley		
50.34(g)	Conformance with Standard Review Plan (SRP)	Post-1982 requirement to evaluate plant conformance with SRP *[NRR 7/24/02 list]*	• Eliminate the requirement	Medium	LATF – NRC – Reckley		
50.36(c)(1)(i) STS 2.1.1.2 (BWR/6)	Technical Specification Safety Limits	Interpretation of the regulation places the "minimum critical power ratio" (MCPR) in the Safety Limits Section of the Technical Specifications. *[NOTE: Coordinate with Tech Spec Task Force, TSTF-357]*	• Relocate the MCPR value to the COLR to permit use of the 50 59 process – preclude repetitive PLAs. MCPR terminology stays in TS, but value moved to COLR. • Some licensees are planning exemption requests.	High	LATF – Exelon TSTF Schoppman NRC –	• Exelon exemption request • TSTF-357 • BWROG followup to recent meeting with NRC senior management	TSTF-357, Rev 1
~~50.46(a)(3)(ii)~~	~~Report ECCS model changes or errors~~	~~30-day report + annual report~~ ~~*[NRR 7/24/02 list]*~~	~~•Clarify interpretation of reporting requirement.~~ ~~• When to rebaseline the NSSS model.~~	~~High~~	~~LATF – Hufnagel McIntyre~~ ~~NRC – Reckley~~	~~LATF PILOT 1~~ ~~•Survey 2001 reports~~ ~~• Flow chart 50.46 reporting requirements~~	Item closed. No formal regulatory action will be requested.

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
~~50.49~~	~~Environmental Qualification~~	~~Reference: NUGEQ Letter 7/2/01.~~ ~~*[NRR 7/24/02 list]*~~		~~High~~	~~LATF – Campbell Horin~~ ~~NRC – Boska~~	Deleted from RUBI List	Industry lead transferred to the Nuclear Utility Group on Equipment Qualification (NUGEQ)
50.54(bb)	Report cessation of operations (irradiated fuel management and funding plan)	2 years after permanent cessation of operations, or 5 years before OL expires, whichever comes first. *[NRR 7/24/02 list]*	• Delete the regulation. Regulate the termination of operation via 50 82.	Low	LATF – NRC – Lamb		
50.54(w) 50.54(w)(3)	Insurance requirements	Paragraph (w) – requires accident insurance, sets minimum coverage, etc. Paragraph (w)(3) – insurance report due annually on April 1 (levels and sources of insurance/financial security. *[NRR 7/24/02 list]*	• Update the regulation. Records are available for regulatory review on-site or at corporate offices.	High	LATF – NRC – Reckley		
50.55a 50 55a(a)(3)	Codes & standards	Re-evaluate & re-draft. Paragraph (a)(3) – alternatives to ASME Code requirements. *[NRR 7/24/02 list]* *[NOTE: Agenda item at 10/23/02 NRC/NEI LATF meeting]*	• Identify options to improve the efficiency of the NRC process for approving Code Cases and making them available for licensee use. • Incorporate language permitting case-by-case acceptance of Code Cases by the Director NRR. • Re-draft the regulation; petition-for-rulemaking	High	LATF – Wuokko NRC – Colaccino	• White Paper – standard format • NEI Table of process-improvement options	• Issued by NEI 10/15/02 (DONE) • 1/8/03 draft for NRC/NEI LATF review

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
50.71(b)	Financial report (and certified statements)	Annual	• Eliminate the reporting requirement. Financial reports and statements are available from the SEC.	High	LATF – Schoppman NRC – Reckley	LATF PILOT 2	
50.91	"Sholly" Notice	No Significant Hazards Consideration Determination Process *[NRR 7/24/02 list]*	• Eliminate requirement to submit NSHC determination for LARs, unless emergency/exigent situation. *[NOTE: The NRC staff is pursuing this line of inquiry.]*	High	LATF – Schoppman NRC – Reckley		
Part 50 Appendix R	Fire watch requirements	Determine whether current requirements permit expanding the set of compensatory-measure options. *[NRR 7/24/02 list]*	• Permit use of robotics, cameras, or other compensatory measures in place of roving fire watches.	Medium	LATF – NRC – Reckley		
140.15(b)(1)	Financial protection report – proof of protection	Annual (3 prior years + CPA opinion) *[NRR 7/24/02 list]*	• Eliminate the reporting requirement, absent a compelling need.	High	LATF – Schoppman NRC – Reckley	LATF PILOT 2	
140.21	Financial protection report – deferred premium guarantee	Annual (anniversary of date on which the indemnity agreement is effective) *[NRR 7/24/02 list]*	• Eliminate the reporting requirement. Compliance with 140.11 (amounts of financial protection) is sufficient.	High	LATF – Schoppman NRC – Reckley	LATF PILOT 2	

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
STS 5.2.2 f	Shift Technical Advisor	Post-TMI requirement for "engineering expertise on shift" (10/28/85 Policy Statement) *[NRR 7/24/02 list]* *[NOTE: Coordinate with Tech Spec Task Force]*	• Re-evaluate the requirement. • The focus has shifted to education. • NRC consider Policy Statement revision.	High	LATF – Weinkam Stenger NRC – Lamb	**LATF PILOT 3**	Nuclear Regulatory Services Group (NSRG) letter dated 2/13/03 has been submitted to NRC.
STS 5.6.1	Occupational Radiation Exposure Report	Annual (personnel > 100 mrem) *[NOTE: Coordinate with Tech Spec Task Force]*	• Eliminate the reporting requirement. The data are available on-site for regulatory review. Dose information is reported annually per 20.2206.	High	LATF – NRC –		
STS 5.6.4	Monthly Operating Report	Operating statistics *[NOTE: Coordinate with Tech Spec Task Force]*	• Replace with commitment to pending INPO Consolidated Data Entry (CDE) program.	High	LATF – Salas NRC – Reckley	**LATF PILOT 4**	NRC/Industry public meeting held on 2/13/03.
Tech Specs QA Plan	Offsite Review Committee	Eliminate the requirement *[NRR 7/24/02 list]*	• Remove from Tech Specs. • Remove from QA Program pursuant to 10 CFR 50.54(a)	High	LATF – Tesfaye Bauer NRC – Ruland	**LATF PILOT 5**	Calvert Cliffs submittal scheduled for April 2003.
Misc.	Service Lists	Update service lists *[NRR 7/24/02 list]*	• NRC send a notice to each licensee requesting service-list update.	Low	LATF – NRC – Reckley		

Licensing Action Task Force (LATF) Table
REDUCTION OF UNNECESSARY BURDEN INITIATIVE (RUBI)

Rqmt	Subject	Additional Information	LATF Recommendation	Priority	Contacts	Action	Status
Misc.	Relocation to Controlled Documents	Topical report references, etc. *[NRR 7/24/02 list]*	• Revise policy restrictions regarding relocation of statutory or Tech Spec requirements to other licensee-controlled documents.	High	LATF – NRC – Reckley		
Misc.	Reporting Requirements	Consolidate in one place *[NRR 7/24/02 list]*	• Generate a "reports" regulation or Regulatory Guide.	Low	LATF – NRC –		
Misc.	Facilities	Centralization *[NRR 7/24/02 list]*	• Centralize EOF, FFD lab, etc. for groupings of licensees. *[The NRC staff is prepared to review proposals from licensees.]*	Low	LATF – NRC –		

Reduction of Unnecessary Burden Initiative Pilot Status

Offsite Review Committee

Options allowed by

ANSI N18.7-1976/ANS 3.2, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants"

- Standing Committees Functioning as Independent Review Bodies
- Organizational Units Functioning as Independent Review bodies

- Option 1 - Offsite Review Committee
  - The majority of nuclear power plants.

- Option 2 - Independent Organizational Unit
  - Consumers (Palisades, Big Rock Point), CP&L (Brunswick 1 & 2, H. B. Robinson 2, Shearon Harris 1), Florida Power Corporation (Crystal River 3)

Justification for Elimination of Independent Review Body

- Onsite Review Committee meets the Standard's requirement independent review and documentation,
- INPO Plant Evaluation process meets the programmatic over-site requirement of the Standard
- The Standard (ANS 3.2) is currently being revised to include a 3rd Option that credits existing committees or groups such as the Onsite Review Committee

Schedule

- Distribute Draft 10 CFR 50.54(a)(4) submittal to the NRC to change the Pilot Plant's QAP for LATF review. 02/28/03
- Incorporate LATF comments. 03/28/03
- Submit for NRC review. 04/24/03
- NRC approval. 09/01/03

LAW OFFICES
Ballard Spahr Andrews & Ingersoll, LLP
601 13TH STREET NW, SUITE 1000 SOUTH
WASHINGTON, DC 20005-3807
202-661-2200
FAX: 202-661-2299
LAWYERS@BALLARDSPAHR.COM

BALTIMORE, MD
DENVER, CO
PHILADELPHIA, PA
SALT LAKE CITY, UT
VOORHEES, NJ
WILMINGTON, DE

DANIEL F. STENGER
DIRECT DIAL: (202) 661-7617
PERSONAL FAX: (202) 626-9045
E-MAIL: STENGERD@BALLARDSPAHR.COM

February 13, 2003

Mr. John G. Lamb
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: **Degree Requirement for Shift Technical Advisors**

Dear Mr. Lamb:

This letter is submitted in support of the NRC's program to reduce unnecessary regulatory burden, as outlined in SECY-02-0081, *Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licensees*, dated May 13, 2002. As part of this ongoing program, the Nuclear Regulatory Services Group (NRSG)[1] has suggested that the NRC consider reforms to the current guidance regarding the Shift Technical Advisor (STA) position. As we have noted, the many changes that have occurred since the post-TMI era in operator training and the Control Room justify elimination of the STA position or at least a relaxation of requirements for the STA function.

As a near-term improvement under the program described in SECY-02-0081, the NRC should relax the bachelor's degree requirement for the STA position. As explained below, an acceptable alternative would be to permit use of a non-degreed combined SRO/STA who meets the education and experience criteria for the operations shift supervisor specified in ANSI/ANS-3.1-1993, *Selection, Qualification, and Training of Personnel for Nuclear Power Plants*. This change would reduce unnecessary regulatory burden by allowing licensees to use increasingly scarce engineering resources more judiciously, while continuing to maintain safety. As a longer term effort, we continue to urge the NRC to consider whether the STA position should be eliminated.

---

1 The NRSG is a consortium of power reactor licensees represented by the law firm of Ballard Spahr Andrews & Ingersoll, LLP.

Background on STA Position

The NRC created the STA position after the 1979 Three Mile Island Unit 2 accident as part of the NUREG-0737 actions. The purpose of the STA was to ensure that a qualified person would be on duty to provide engineering and accident assessment advice to the Shift Supervisor in the event of abnormal or accident conditions. As described in NUREG-0737, Item I.A.1.1., an STA

> shall have a bachelor's degree or equivalent in a scientific or engineering discipline and have specific training in the response and analysis of the plant for specific transients and accidents. The STA should also receive training in plant design and layout, including the capabilities of instrumentation and controls in the control room.

When the STA position was created, the NRC envisioned that a dedicated STA would only be necessary until longer-term goals were achieved. The long-term efforts included shift staffing increases, upgrades in training and qualification programs, Control Room modifications, human factors improvements, procedural upgrades, and development of emergency response organizations to augment on-shift capabilities during abnormal conditions. As the NRC stated in NUREG-0737, Item I.A.1.1.:

> The need for the STA position may be eliminated when the qualifications of the shift supervisors and senior operators have been upgraded and the man-machine interface in the control room has been acceptably upgraded.

Even though the use of an STA was intended to be a short-term solution for control room crew augmentation, the NRC effectively made the STA a permanent fixture in Control Rooms of commercial reactors through adoption of the 1985 *Commission Policy Statement on Engineering Expertise on Shift*, 50 Fed. Reg. 43,621 (October 28, 1985)(hereinafter referred to as the "Policy Statement"). The Policy Statement provided two options for meeting the minimum shift staffing requirements of 10 C.F.R. § 50.54(m)(2) and the recommendation for an STA in NUREG-0737, Item I.A.1.1.: (1) a dual role SRO/STA, combining one of the required licensed Senior Reactor Operator positions and the STA position or (2) a dedicated STA as described in NUREG-0737, Item I.A.1.1.

According to the Policy Statement, the combined SRO/STA position is satisfied by assigning an individual with the following qualifications to each operating shift crew as one of the SROs (preferably the Shift Supervisor) required by 10 C.F.R. § 50.54(m)(2)(i):

> a. Licensed as a senior operator on the nuclear power unit(s) to which assigned; and
>
> b. Meets the STA training criteria of NUREG-0737, Item I.A.1.1, and one of the following educational alternatives:

> (1) Bachelor's degree in engineering from an accredited institution;
>
> (2) Professional Engineer's license obtained by the successful completion of the PE examination;
>
> (3) Bachelor's degree in engineering technology from an accredited institution, including course work in the physical, mathematical, or engineering sciences; or
>
> (4) Bachelor's degree in a physical science from an accredited institution, including course work in the physical, mathematical, or engineering sciences.[2]

Under the Policy Statement, then, any SRO who would function as the STA is effectively required to hold a bachelor's degree in one of the specified disciplines.[3]

The Commission indicated in the Policy Statement that the dual-role position was the preferred option, stating "in the long term, the Commission would prefer that the STA be combined with the Shift Supervisor in the dual-role position." The Policy Statement also provided that "Licensee proposals different than the two options described above will be considered by the staff on a case-by-case basis."

Justification for Relaxing STA Educational Requirements

A revision of the educational alternatives provided in the Policy Statement is now appropriate to permit the STA position to be filled by non-degreed SROs who have an equivalent level of expertise based on training and experience. As the NRC is well aware, the pool of degreed engineers willing to spend years on shift is shrinking and licensees need to use these resources judiciously. The requirement to have a degreed individual serve either in the dual role or dedicated STA position is creating staffing issues for some plants.

As indicated above, during the post-TMI period, the NRC identified a specific deficiency in the technical readiness of Control Room operating crews to manage abnormal and emergency conditions. The deficiency was primarily rooted in education and training and in particular focused on fundamental engineering knowledge among the operators. Conditions have changed

---

2 Licensees typically have requirements or commitments in their licenses, Technical Specifications, or Final Safety Analysis Reports to have a dual SRO/STA or a dedicated STA on shift.

3 In some states, it may be possible to obtain a Professional Engineer's license without a bachelor's degree in an engineering or related discipline.

since that time and the concerns which led to the creation of the STA position have been resolved by the following improvements:

- Accredited training programs and standardized Generic Fundamental Examinations now ensure that all operators meet NRC standards for fundamental knowledge in physical and engineering principles. On-shift SROs receive effectively the same specialized training that designated STAs receive, including training in accident recognition and response.

- Site-specific simulators have significantly enhanced the training environment, making it possible to test operator responses on any credible accident scenario for the plant. Simulators are a fundamental tool in the NRC's licensing examinations for initial and continuing operator training.

- Increased shift staffing of Control Rooms has been implemented and requirements have been added to Technical Specifications for all licensees to ensure adequate staffing of command and control personnel (SROs and Shift Managers/Supervisors). *See* Standard Technical Specifications at Section 5.2.2.a. At single unit sites, for example, two SROs are required to be on duty at all times while the reactor is operating.

- Symptom-based Emergency Operating Procedures (EOPs) have been implemented and are exercised regularly in operator training and examinations. Further, plant-specific Severe Accident Management Guidelines (SAMGs) are now in place. The SAMGs go beyond the EOPs and provide guidance to the site Technical Support personnel for actions to mitigate the consequences of beyond design basis accidents. The SAMGs are used regularly during Emergency Plan Drills and Exercises.

- Emergency Response Organizations now provide key personnel who must be able to report within specific timeframes to provide appropriate technical assistance to Control Room operators. The Emergency Response Organizations are thus readily available to augment the on-shift capabilities during abnormal conditions and provide transient and accident response functions.

In short, the many changes over the past two decades – including improvements in shift staffing and training, procedures, and emergency response – have addressed the underlying goals of the STA requirement and obviate the need for the position or at least the need to have a degreed engineer serve as the dedicated STA or dual SRO/STA. Many SROs today are capable of providing the same level of expertise as a degreed engineer based on their training and operating experience.

Accordingly, the NRC should, as a near-term action, relax the guidelines concerning the need for STAs to hold a bachelor's degree. This action would reduce the regulatory burden on licensees with no appreciable increase in risk. Because the Policy Statement provides guidance

only and is not a regulatory requirement per se, the NRC could issue guidance (e.g., in the form of a Regulatory Issue Summary) on acceptable alternatives to the current educational criteria for STAs. As noted above, the Policy Statement expressly states that the Staff may consider alternatives proposed by licensees "on a case-by-case basis."

An acceptable educational alternative to permit use of a non-degreed dual-role SRO/STA would be the education/experience criteria specified for the operations shift supervisor in ANSI/ANS-3.1-1993, *Selection, Qualification, and Training of Personnel for Nuclear Power Plants*. ANSI/ANS-3.1-1993, section 4.4.1, provides that the shift supervisor must possess a high school diploma, hold an SRO license for the unit(s) assigned, and have a minimum of three years of power plant experience, which must include three years of nuclear power plant experience. During the years of nuclear power plant experience, the individual must have participated in licensed operator activities at an operating nuclear power plant during the following periods: (1) six months with at least six weeks of operation above 20% power; (2) startup from a subcritical state to 20% power; (3) shutdown from greater than 20% power to subcritical; and (4) startup preparations following a fueling or refueling outage.

The NRC has endorsed the qualification and training criteria of ANSI/ANS-3.1-1993, including those for the shift supervisor function, with certain additions, exceptions and clarifications, in Regulatory Guide 1.8, Rev. 3, "Qualification and Training of Personnel for Nuclear Power Plants" (May 2000).

To provide an alternative to the degree requirement for STAs, the Staff should issue guidance to the effect that a licensed senior operator meeting the education/experience criteria of ANSI/ANS-3.1-1993 for the shift supervisor function would satisfy the requirements for the combined SRO/STA position. The Policy Statement should also be revised to add the following as one of the educational alternatives for the combined SRO/STA position: High school degree and experience satisfying the minimum experience requirements for the operations shift supervisor function in ANSI/ANS-3.1-1993, 4.4.1.

This change would reduce unnecessary regulatory burden, while maintaining safety and public confidence. Such individuals, although not degreed engineers, would still be required (1) to be licensed as an SRO on the unit; (2) to complete all necessary STA training; and (3) to possess special experience and education in accordance with a recognized consensus standard in ANSI/ANS-3.1-1993. This change would assist licensees in making judicious use of degreed engineers. The NRC should also make corresponding revisions to Regulatory Guide 1.8, Rev. 3 to recognize this alternative to the degree requirement for STAs. As a longer term effort, the NRC should consider whether the STA position should be eliminated.

We appreciate the Staff's consideration of this recommendation as part of its near-term initiative to reduce unnecessary regulatory burden. We look forward to working with the Staff in

the development of acceptable alternatives to the existing guidance in the Policy Statement. Please contact us should you have any questions.

Sincerely,

Daniel F. Stenger
Counsel for the Nuclear Regulatory Services Group

cc: Document Control Desk
William D. Reckley