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May 6, 1985

Mr. William J. Dircks  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Dircks:

In a July 17, 1984 letter to Mr. Eisenhut, KMC, on behalf of itself and the utilities that form the Qualifications of Reactor Operators Utility Group, expressed our concern over the imposition by regional officials of new generic requirements in the operator licensing program. These changes involved backfitting new requirements on licensees without following either rulemaking or backfitting procedures. A copy of that letter is enclosed along with a list of the group members. Many of the items in our letter were discussed at an NRC meeting conducted on August 1 and 2, 1984, but were not resolved. Subsequently, these items were included in the proposed revision to 10 CFR Part 55, and associated Regulatory Guides 1.8, 1.134 and 1.149, issued for public comment on November 26, 1984.

One of the concerns we raised involved the apparent attempt by NRC (as expressed by some NRC employees) to limit the number of operator licenses at operating nuclear power facilities by imposing requirements and guidance contained in draft proposed changes to 10 CFR Part 55 and Regulatory Guide 1.8, before NRC could analyze the public comments and realize the impact on the regulated industry. It is disturbing that there has been an immediately effective imposition of proposed requirements on individuals who had submitted applications that met all existing regulations and guidance, resulting in their applications being denied. It has recently come to our attention that this backfitting practice is not only continuing, but is escalating and is occurring in several regions. A specific example follows.

A utility submitted applications for renewal of senior operator licenses held by members of their training staff. The applications met all the existing regulations and guidance, including specific guidance provided by the region in a letter to

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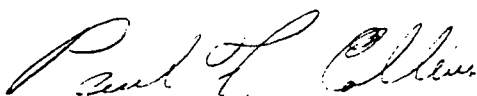
the facility. The applications clearly indicated the individuals had been actively engaged under their licenses for the previous two year period. However, the utility was informed that, effective immediately, the only way to demonstrate "actively engaged" was to spend at least one eight hour shift in the control room per month performing licensed duties. Therefore, these individuals were deemed by the region to have not been engaged in operator duties under their license, pursuant to 10 CFR Part 55.31(e), and would have to participate in a special retraining program prior to license renewal.

The eight hour shift is a provision contained in the proposed revision to Regulatory Guide 1.8. Historically, regulatory guides have enumerated but one way to meet regulatory requirements, not the only way.

The imposition of "new requirements" without prior notice, including public comment, is improper. We believe the interpretation by regional personnel that guidance documents are regulations is unwarranted and can have a severe effect on the maintenance of a sufficient number of competent licensed personnel to conduct the safe and efficient operation of nuclear power facilities. It is totally inappropriate for NRC personnel to impose proposed regulations and guidance upon licensees, particularly when there has been significant public comment on the proposed regulatory changes.

We request that regional personnel who are responsible for the review of applications for operator or senior operator licenses, including renewal applications, be informed that they should use the regulations and guidance presently in effect to make their determinations to issue licenses or license renewals.

Sincerely,



Paul F. Collins  
Senior Associate

Encl.

QUALIFICATIONS OF REACTOR OPERATORS UTILITY GROUP

Baltimore Gas & Electric Company  
Consumers Power Company  
Duquesne Light Company  
Florida Power Corporation  
Florida Power & Light Company  
Gulf States Utilities Company  
Nebraska Public Power District  
Northeast Utilities Service Company  
Northern States Power Company  
Omaha Public Power District  
Pacific Gas & Electric Company  
Pennsylvania Power & Light Company  
Portland General Electric Company  
Public Service Electric & Gas Company  
Rochester Gas & Electric Corporation  
Sacramento Municipal Utility District  
Southern California Edison Company  
Toledo Edison Company  
Wisconsin Public Service Corporation  
Yankee Atomic Electric Company