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October 28, 2015

Mr. Scott C. Sloan
Chief, Operator Licensing and Training Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Comments on the NRC's Operator Licensing Lessons Learned Review Team Report

Project Number: 689

Dear Mr. Sloan:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ would like to provide comments on the recommendations contained in the NRC Operator Lessons Learned Review Team Report (NRC Memorandum from James M. Trapp to William M. Dean, dated November 4, 2014, Accession No. ML15124A615). The purpose of the report was to provide recommendations to enhance the operator licensing process by promoting consistency across the regions and improving the scrutability of the waiver and appeals processes. The NRC Lessons Learned Review Team (LLRT) had been established to assess the issues leading to the March 18, 2014, Atomic Safety and Licensing Board (ASLB) decision overturning the NRC staff's denial of a senior reactor operator license for an applicant for the Vogtle Electric Generating Plant.

NEI agrees that the circumstances that led to the denial of the license and the subsequent decision by the ALSB to overturn the denial must be fully understood, and actions should be put in place to minimize the likelihood of recurrence. With a few exceptions, we believe the LLRT recommendations will add value to the operator licensing process and should be institutionalized in a revision to NUREG-1021.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

At a public meeting on June 16, 2015, NEI met with NRC staff to present the industry's views on several of the LLRT recommendations. These views are summarized in the attachment to this letter and are provided for your consideration and use. We agree with the NRC's conclusion that "the license operator examination process is an extremely high quality process that has been demonstrated over time to successfully evaluate and discriminate the level of competency of operator license applicants." Given this, any changes to the operator licensing process should be focused on and limited to addressing the specific concerns arising from the ASLB reversal. Any changes that would have the impact of increasing exam failure rates, increasing the overall complexity of the waiver or appeals processes, or affecting the overall reliability of the exam process should be avoided.

One of the major conclusions of the NRC LLRT was that the current flexibilities in the Examiner Standards have led to implementation differences among the four regional offices. The LLRT asserts that their recommendations would remove this flexibility from the Examiner Standards, improving reliability of outcomes. However, one of the key recommendations in the LLRT report would "make the grading of the operating exam more discriminating *allowing examiner additional flexibility* in making these important licensing decisions" (emphasis added). NEI believes such changes undermine the ultimate objectives of the review team. Specifically, NEI disagrees with the recommendation to change the range of simulator performance scoring from the current 1-3 to the proposed 0-3. This recommendation would have the unintended consequence of injecting additional subjectivity in grading, will lead to higher failure rates, and will result in an increase in the number of appeals similar to the one experienced at Vogtle. An NRC review of 740 exams conducted in 2013 and 2014, where 62 failures occurred, revealed that the number of failures would rise to 90-95 when this proposed grading criterion was retrospectively applied. This is an increase in projected failures of about 50%, when nothing in the LLRT report suggested the need for raising the bar on examination standards. The widened grading scale could allow examiner bias to creep into the process and is in direct contrast to the LLRT charter. The industry believes that the existing grading criteria are reliable and adequate and should be retained.

The LLRT also recommends changes to the waiver process to ensure decisions are formally dispositioned in written correspondence. While NEI agrees with this recommendation, we suggest that the NRC entertain waiver requests early enough in the process to ascertain the acceptability of operator license candidates from a qualification and experience perspective prior to entry into the training program. The current wording in NUREG-1021 suggests that formal waiver requests would normally only be submitted several months prior to a licensed operator exam; however, past NRC practice has been to informally respond to industry requests to review and acknowledge the acceptability of candidates prior to entry into the training program, which is typically two years prior to the exam. To align with the LLRT recommendations, this practice should be formalized and added to NUREG-1021.

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If you should have any questions on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce S. Montgomery", with a long horizontal flourish extending to the right.

Bruce S. Montgomery

Attachment

c: Mr. Scott A. Morris, NRR/DIRS, NRC
Mr. Allen G. Howe, NRR/DIRS, NRC
NRC Document Control Desk