

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”
- NUREG-2103, “Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Westinghouse AP-1000 Reactors”
- NUREG-2104, “Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Advanced Boiling Water Reactors”
- Operator Licensing Manual Chapters
- Regional Operator Licensing Guidance Documents

B. BACKGROUND

1. In accordance with the Office of Nuclear Reactor Regulation (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 41 in Attachment 1 to ADM-200). Signature authority for procedural and programmatic guidance related to regional oversight of the operator licensing function (Item 50.b.(1) in Attachment 1 to ADM-200) is delegated to the staff of the Division of Inspection and Regional Support (DIRS)/Operator Licensing and Training Branch (IOLB). 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. In accordance with Office of New Reactors (NRO) Office Instruction ORG-102, "Delegation of Signature Authority & Obtaining Office Concurrence," signature authority for Operating Program changes is delegated to the cognizant NRO branch chief (Table 1b in Attachment 1 to ORG-102).
3. The NRR and NRO 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 applicable OL program office staff and management will determine the appropriate vehicle and schedule for promulgating the required guidance. The Human Performance, Operator Licensing and ITAAC Branch (HOIB) in NRO is the applicable operator licensing program office for power reactor facilities that have not transitioned from a cold-licensing process to a hot licensing process, as specified in the applicable facility's Final Safety Analysis Report (FSAR), and IOLB in NRR is the applicable operator licensing program office for all other power reactor facilities with an operator licensing and training program.
 - b. All changes, clarifications, and additions to guidance shall be reviewed to ensure compliance with 10 CFR 50.109, "Backfitting." Refer to NRR Office Instruction LIC-400, "Procedures for Controlling the Development of New and Revised Generic Requirements for Power Reactor Licensees," 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.3 above, the applicable 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. Guidance clarifications that have the potential to impact OL practices for both new and existing reactors will require a joint effort between the two program offices. One OL program office will be designated as the lead, and the other OL program office will provide support and concurrence. The lead program office will be determined by a discussion between the NRR and NRO OL program office Branch Chiefs.
- b. Upon approval by the applicable (or lead) OL program office branch chief, the staff will solicit comments (email is acceptable) from the regional OL branch chiefs or any other affected branch, 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 applicable (or lead) OL program office will generally discuss the proposed guidance clarification during a regularly scheduled public meeting with the industry operator licensing focus group (OLFG) sponsored by NEI. 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 applicable (or lead) 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, NEI, and PROS) on a case-by-case basis before forwarding the proposal to the applicable OL division director for approval. The applicable OL division director is the division director for the lead OL program office. Guidance clarification involving both program offices will first be approved by the lead OL program office Branch Chief and then concurred on by the other OL program office Branch chief prior to sending to OGC or industry groups for review, and prior to sending to the applicable OL division director for approval.
- e. The applicable (or lead) OL program office staff will prepare a cover memorandum forwarding the clarified guidance from the applicable (or lead) OL branch chief 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, if desired). ROI documents will generally not be made available to the public.
- f. If the guidance clarification is acceptable, the applicable (or lead) OL branch chief will sign the cover memorandum and the applicable (or lead) OL staff will execute the implementation plan. As a courtesy, the applicable (or lead) 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.3 above, the applicable 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. As specified in Section C.2, above, new guidance that has the potential to impact OL practices for both new and existing reactors will require a joint effort between the two program offices. One OL program office will be

designated as the lead, and the other OL program office will provide support.

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 or 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, "NUREG-Series Publications," and NUREG-0650, "Preparing NUREG Series Publications," and the Office of Administration website at http://www.internal.nrc.gov/ADM/manuscriptdev_print/nuregpub.html for additional guidance and requirements.

- b. Upon approval by the applicable (or lead) OL program office branch chief, and with concurrence from the other OL program office (as necessary, per C.3.a, above), 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 or an OL conference call.
- c. Upon resolving and incorporating the regional comments, the applicable (or lead) 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 applicable (or lead) OL staff will prepare NRC Form 335, "Bibliographic Data Sheet," and NRC Form 426, "Authorization to Publish a Manuscript in the NUREG Series," which must accompany the draft NUREG when it is forwarded to the Rules, Announcements, and Directives Branch (ADM/DAS/RADB); Form 426 must be signed by the applicable NRC official authorizing publication (which may be the NRR or NRO OL division director, or both; or, the NRR or NRO office director, or both). The NRR or NRO OL staff (whichever office has the lead for the change) 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 applicable (or lead) 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 or pilot program. If the draft NUREG revision will be implemented on a trial basis

or pilot program, the comment period must be long enough to facilitate meaningful feedback given the lead time in preparing and administering the examinations. It may be helpful to obtain a sample of a recent FRN to use as a template.

- e. Upon its approval by the applicable NRC official authorizing publication (which may be the NRR or NRO OL division director, or both; or, the NRR or NRO office director, or both) the applicable (or lead) OL program office staff will forward the draft NUREG to RADB for final review and publication. The staff will also forward the FRN to RADB 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. In addition, the OL program office staff will forward an electronic version of the draft NUREG to the NRC's web services staff, so that the draft NUREG can be posted as a document for comment on the NRC's public website. The staff may also schedule public meetings or workshops 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 NRR or NRO (whichever office had the lead for the change) 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 applicable (or lead) OL program office staff will forward the NUREG to the applicable NRC official authorizing publication (which may be the NRR or NRO OL division director, or both, or, the NRR or NRO office director, or both) 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 applicable (or lead) 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 applicable NRC official authorizing publication (which may be the NRR or NRO OL division director, or both; or, the NRR or NRO office director, or both), the NRR or NRO OL program office staff will forward the NUREG revision to RADB for final review and publication. The staff will also forward the FRN to RADB 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. In addition, the NRR or NRO (whichever office had the lead for the change) OL program office staff will forward an electronic version of the final NUREG to the NRC's web services staff, so that the final NUREG can be posted on the NRC's public website.

4. Internal Guidance Development and Revision

- a. The NRR and NRO 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 a new or modified OLMC is identified pursuant to Section B.3 above, the NRR or NRO OL program office staff will prepare the applicable guidance, including a discussion of the issue and the rationale for the guidance, as necessary. Either the NRR or the NRO OL program office will have the lead for the change (as determined by discussion between the NRR and NRO OL program office branch chiefs), and the other will review the proposed changes.

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 or left margins, or by issuing a completely new revision, in which case no page markings are required.

- b. Upon approval of the proposed OLMC revision by the NRR and NRO OL program office branch chiefs, 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 and NRR and NRO inputs have been considered, the guidance clarification will be finalized. If the guidance clarification is acceptable, the NRR or NRO (whichever OL branch has the lead) OL staff will enter the guidance in the Agency-wide Document Access and Management System (ADAMS) as a public document.
- d. The lead OL program office staff will prepare a cover memorandum forwarding the approved revised OLMC(s) from the NRR and NRO OL branch chiefs to the regional OL branch chiefs. The cover memorandum will reference the accession numbers for the new and/or revised OLMC(s). The NRR and NRO OL branch chiefs will sign the memorandum, and the lead OL staff will dispatch and implement the new and/or revised OLMC(s).

5. Regional Guidance Documents

The NRR and NRO OL program offices acknowledge 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 of NUREG-1021, "the regional offices shall obtain program office approval before undertaking any initiative that could undermine examination consistency among the regions." Nevertheless, the regions may promulgate and implement written policies and guidance that clarify and are consistent with the intent of NUREG1021 without prior review and approval by the either the NRR or NRO OL program offices. However, copies of those policies and guidance shall be provided to both the NRR and NRO OL program offices and to each of the other regional operator licensing BCs for review and consideration to promote consistency amongst regions. The NRR and NRO program offices 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 branch chiefs shall screen the guidance for conflicts among the regions that could undermine examination consistency and bring any potential problems to the attention of either the NRR or NRO OL program office (or both) so they can be resolved. If only one OL program office is contacted, and any resolution has the potential to impact both NRR and NRO OL programs, the NRR and NRO OL branch chiefs are expected to keep each other informed.
- b. As stated in Section B of ES-201 of NUREG-1021, "the NRC's regional offices shall obtain approval from the NRR/NRO operator licensing

program office before knowingly deviating from the intent of NUREG-1021.” If a policy or guideline is unclear, the Region shall obtain clarification from the applicable program office. The applicable program office is defined in C.1.a.

- c. Under no circumstances shall any 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 primarily intended for internal use only and shall not be referenced in discussions or correspondence with facility licensees. If the NRR or NRO (or both) program office determines that a regional guidance document may enhance regional consistency and may be beneficial to facility licensees, then this guidance should be posted on the Operator Licensing public website.