

NUCLEAR UTILITY GROUP  
ON ENFORCEMENT

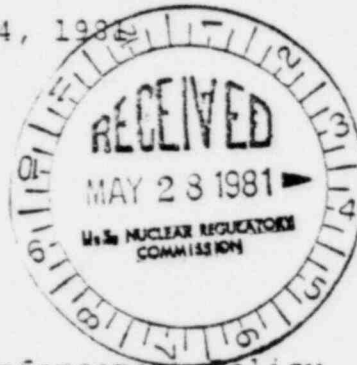
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PROJECT NUMBER  
PROPOSED RULE PR-2  
45 FR 66754

SUITE 700  
1200 SEVENTEENTH STREET, N.W.  
WASHINGTON, D. C. 20036  
TELEPHONE 202/857-9817

May 4, 1981

Mr. Samuel J. Chilk  
Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20005



Re: NRC Interim Enforcement Policy  
45 Fed. Reg. 66754 (October 7, 1980)

Dear Mr. Chilk:

On December 31, 1980, the Nuclear Utility Group On Enforcement ("NUGOE") filed comprehensive comments with the Commission on the NRC Interim Enforcement Policy. One aspect of those comments dealt with the need for the NRC to refrain from implementing an Enforcement Policy which may impair the ability of NRC licensees to attract and retain high-quality operators, technicians and engineers.

The NRC recently acknowledged correctly in its responses to questions of the Bevill Subcommittee \*/ that a "better balance" must be struck between the articulation of NRC enforcement sanctions and the "potentially detrimental effects on the morale and sensitivities of individuals who perceive an unacceptably high vulnerability to ex post facto criticism and professional embarrassment, not to mention personal financial liability and substandard performance."

NUGOE agrees with the perception of the NRC that the Interim Enforcement Policy must be revised so that the ability of NRC licensees to attract and retain quality staffs is facilitated, not impaired. In this regard, we invite your attention to the latest report (April 17, 1981) to the

\*/ Hearings before Subcommittee on Energy and Water Development, House Committee on Appropriations, NRC FY1982 Appropriations Bill, Vol. 4, at p. 1132.

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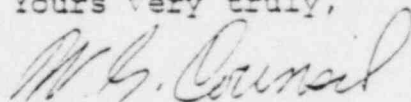
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President by the Nuclear Safety Oversight Committee, a copy of which is attached hereto. The report confirms the general need for the NRC to avoid imposing requirements (either directly or indirectly) which "could drive out competent operator personnel . . . at a time when there is already a serious manpower shortage within the industry."

We request that the Commission and its Staff be mindful of these views of the Nuclear Safety Oversight Committee as they revise the Interim Enforcement Policy. As it stands, the NRC Interim Enforcement Policy may tend to impair the ability of the NRC licensees to attract and retain the most competent personnel, and therefore may actually detract from the ability of licensees to achieve safe reactor operation to the maximum extent practicable.

Yours very truly,



W. G. Council  
Chairman  
Nuclear Utility Group  
On Enforcement

NSR/er  
Attachment



Nuclear Safety Oversight Committee

April 27, 1981

Enclosed is a copy of the Nuclear Safety Oversight Committee's latest report to the President. Should you have any questions about it, please call me at (202) 653-8468.

Steven Ebbin  
Executive Director



## Nuclear Safety Oversight Committee

April 17, 1981

Honorable Ronald Reagan  
President of the United States  
The White House  
Washington, DC 20500

Dear Mr. President:

Your Nuclear Safety Oversight Committee has conducted hearings to inquire into the progress of training and technical education within the nuclear power industry. As you know, the various investigations in the wake of the Three Mile Island accident all uncovered the need for a much stronger effort to assure that nuclear power plants are operated and managed by the best qualified and most highly trained personnel.

Most safety studies have stressed stronger regulation, directly by the NRC and indirectly by industry groups such as the Institute of Nuclear Power Operations (INPO). However, only the operating utility can ultimately assure safe operation; regulatory schemes can never be a substitute for strong utility management with high technical competence at all levels of plant operation.

We are frankly concerned that in the eagerness to correct the more readily identifiable problems arising from the Three Mile Island accident, not enough attention is being devoted to assuring uniform high quality engineering competence at the top levels of the utility industry. We are also disappointed at the lack of attention to this issue by INPO and industry groups which have thus far concentrated their work at the level of operation and maintenance. We recognize the inherent difficulty in assessing, much less enhancing by regulation, the overall technical caliber of a utility organization. Further, we doubt that NRC or, for that matter any governmental organization, has the experience or the competence to formulate direct regulatory measures in this area.

It is therefore all the more imperative that utilities themselves address this issue aggressively. The industry

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must actively discuss and seek methods and incentives, short of direct regulation, to stimulate more technical competence all the way to the top of the organization.

At the regulatory level, our inquiry revealed that both the Nuclear Regulatory Commission and the industry have taken many positive steps to correct deficiencies in training and staffing. For example, the Nuclear Regulatory Commission has imposed a variety of new requirements, including higher experience level standards, expanded training requirements in basic science and simulator use, and revised examination standards. The nuclear industry, through its Institute of Nuclear Power Operations (INPO) has taken steps to improve personnel training and to develop new training curricula. As a result, we believe that the overall competence of personnel within the industry will be improved as will uniformity of standards throughout the industry.

In some areas, however, the formal education requirements proposed by the Nuclear Regulatory Commission may exceed critical job requirements and could be counterproductive to safety. An example is the proposed NRC rule that shift supervisors and senior reactor operators have a Bachelor of Science degree with 60 hours in technical subjects as a prerequisite to certification. Such proposed requirements may be more prescriptive than could be justified by a careful analysis of task and job requirements. Moreover, the imposition of unnecessary academic criteria could drive out competent operator personnel without academic credentials at a time when there is already a serious manpower shortage within the industry.

For these reasons we believe that the imposition of further formal education requirements should be held in abeyance pending a systematic job and task analysis and a study of qualification standards within the nuclear power industry. Such an analysis has apparently never been carried out on an industry wide scale. The Institute of Nuclear Power Operations is currently preparing such a systematic assessment of job and task requirements; we strongly support that effort as the necessary preparation for the further refinement of training and job qualification definition.

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Non-reactor operator personnel, such as maintenance personnel, inspectors and technicians, (hereinafter "balance of plant personnel") are not licensed by the NRC. In lieu of a formal licensing system, the NRC has traditionally endorsed standards for balance of plant personnel developed by the American Nuclear Society and the American National Standards Institute.

We believe that this cooperative method of standards development is the preferable method for these positions. We note however, that in many areas qualification standards for balance of plant personnel are very general in nature and provide little guidance to the utilities, much less a basis for regulatory audits by the NRC. Again, we strongly support the effort of INPO to develop job and task analysis for balance of plant personnel. INPO's work should be paralleled by an intensified effort by ANSI and the American Nuclear Society to develop meaningful balance of plant standards.

In the past utility training programs have not been subjected to careful oversight or accreditation by either industry or the Nuclear Regulatory Commission. The Institute of Nuclear Power Operations now proposes to implement a formal industry accreditation program. We urge your support for this effort because we believe that industry peer group accreditation, backed up by NRC audit, is preferable to imposing yet another regulatory obligation upon the Nuclear Regulatory Commission.

The draft training accreditation plan prepared by INPO is a promising start. The INPO proposal would set up an accreditation committee as the ultimate guarantor of training program quality; the Committee would consist of a mix of industry, academic and regulatory members, all appointed by INPO. Although INPO accreditation would take place outside the formal regulatory process, we believe the concept has promise and deserves active discussion and involvement by both your office and the NRC. An important question is whether the process would be strengthened by participation of professional standards groups and the educational community in the selection of accreditation committee members.

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Since Three Mile Island, proposals have been advanced for the establishment of a "Nuclear West Point" for training of nuclear power plant operators. We believe that the overall technical quality and expertise of a utility organization can actually be enhanced by in-house training. Given the diversity of utility organization and reactor types, there are strong arguments for allowing training programs to evolve from the existing environment rather than superimposing one national pattern. If the existing impetus toward higher standards and better training can be maintained, we advise against further consideration of national academy type proposals.

We are pleased to see increasing university participation in utility education and training; a good example is the program currently being offered to utilities (and leading to an optional degree) by Memphis State University. The participation of third parties such as universities in the training process appears to us to provide an important measure of quality control independent of both the utility and the regulatory system.

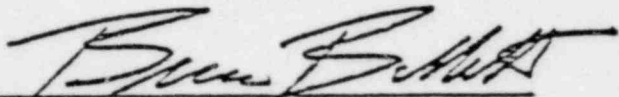
There is increasing evidence of a shortage of trained and experienced nuclear plant operators and other technical personnel. If not corrected, the effects of this shortage will become pervasive, affecting the ability of utilities to meet more stringent and increased operator staffing requirements. This problem needs more attention and concerted action at the highest level by industry, the educational community and government. We are most pleased to note that the Department of Energy has undertaken a comprehensive study of this problem. We urge you to give full support to that study.

In sum, there has been substantial progress in upgrading training and technical education within the industry. The systematic effort by INPO to develop task and job analysis as a predicate for standards and accreditation is particularly encouraging. However, the most important and difficult question

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of all, technical competence at the utility management level, has not been as effectively addressed.

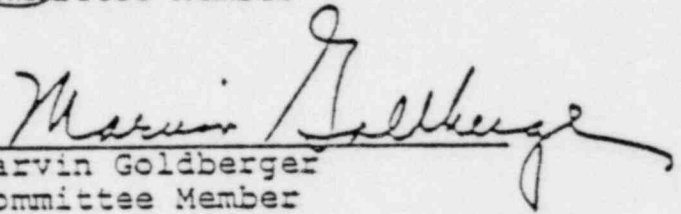
Sincerely,



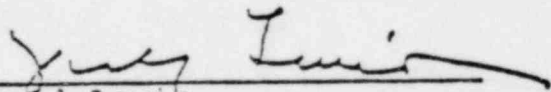
Bruce Babbitt  
Chairman



John Deutch  
Committee Member



Marvin Goldberger  
Committee Member



Harold Lewis  
Committee Member

BB:kae

cc: Edwin Meese, III  
Martin Anderson  
David Stockman