

A F F I R M A T I O N V O T E

R E S P O N S E S H E E T

RELEASED TO THE PDR  
1/21/94  
date initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-93-333 - FINAL AMENDMENTS TO 10 CFR  
PART 55 ON RENEWAL OF LICENSES AND REQUALIFI-  
CATION REQUIREMENTS FOR LICENSED OPERATORS

APPROVED X <sup>in comment</sup> DISAPPROVED \_\_\_\_\_ ABSTAIN \_\_\_\_\_

NOT PARTICIPATING \_\_\_\_\_ REQUEST DISCUSSION \_\_\_\_\_

COMMENTS:

*please see attached*

250007

*[Handwritten Signature]*  
\_\_\_\_\_  
SIGNATURE

*17 Dec 93*  
\_\_\_\_\_  
DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES  No \_\_\_\_\_

*[Handwritten initials]*  
FOZ  
011

Commissioner Remick's Comments on SECY-93-333

I approve the staff's recommendation to publish the subject final amendments to Part 55 and the associated documentation in the Federal Register with modifications on pages 8 and 11.

I approve deleting 55.57(b)(2)(iv) requiring each licensed operator to pass an NRC conducted requalification examination during the term of a licensed operator's 6-year license.

I approve the final amendment to 55.59(c) to require facility licensees to submit to the Commission written examinations or operating tests (which may include selected proposed examinations) upon request consistent with the Commission's inspection program needs. However, the staff's plans for inspection frequency should be modified to take into account licensee's good performance by allowing less frequent requalification program inspections. Along these lines, I suggest that the Federal Register Notice be modified to reflect the staff's intention to consider not performing a routine inspection of facilities which are good performers during the SALP cycle.

I approve amending Part 55.2 to include facility licensees.

I approve application of the final amendments to Part 55 to both power and non-power reactor licensees.

occur rather frequently.

Response: After reviewing the six comments opposing the proposed regulation, the Commission has concluded that the basis for this requirement remains sound and that it should be adopted. This determination is based on the following considerations:

(i) The NRC believes that since the beginning of the requalification program, experience indicates that weaknesses in implementation of facility licensee's programs are generally the root cause of deficiencies in the performance of operators.

(ii) The NRC believes if its resources were directed towards inspection and oversight of facility licensee's requalification programs rather than continuing to conduct individual operator requalification examinations, the operational safety at each facility will continue to be ensured and in fact, will be improved. A routine inspection frequency of once per SALP cycle will ensure consistency between inspection scheduling and licensee performance. A minimum <sup>routine</sup> inspection frequency of at least once every 2 years will ensure active

NRC oversight of facility licensee's requalification programs. For facility licensees with good performance consideration will be given to not performing an onsite inspection during the next SALP cycle.

(iii) The NRC believes that the facility requalification programs have been demonstrated to be basically sound during the pilot examinations. Given the broad range of possible approaches built into the inspection process, the NRC would only conduct examinations when they are the most effective tool to evaluate and understand the programmatic issues, or if the NRC loses confidence in the facility licensee's ability to conduct its own examinations.

Examples which could result in a regional management decision for a "for cause" requalification examination include:

- a. Requalification inspection results which indicate an ineffective

evaluated were found to be adequate for an effective requalification program to be managed by the licensees' staffs. Although being able to review the proposed examinations at the NRC did save some on-site inspection effort, the inspectors were still able to complete the Temporary Inspection procedures within the time allowed (i.e., two inspectors on-site for 1 week).

The NRC believes that it will be advantageous to have selected examinations (which may include proposed examinations) available for review at NRC offices in addition to other documentation customarily provided, consistent with the Commission's inspection program needs to prepare for the on-site portion of the inspection. Therefore, the NRC will delete the amendment to § 55.59(c) as proposed from the final rulemaking and will require instead that comprehensive written examinations or operating tests be submitted upon request consistent with the Commission's inspection program needs and sustained effectiveness of the facility licensee's examination and simulator scenario banks. During the SALP cycle for each licensee, the NRC expects it will request examinations or tests in advance for every on-site inspection.

3. Proposed Amendment: Include facility licensees in the scope of 10 CFR 55, specifically § 55.2, will be revised to include facility licensees.

General Statement: Only 1 of the 42 respondents to the FRN addressed and endorsed this provision of the proposed rulemaking.

Response: The NRC believes the absence of comments regarding this proposal substantiates the NRC's position that this is simply an administrative correction and does not materially change the intent of the regulation. The NRC considers this amendment as an administrative addition to