



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

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cc: Morris
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Bahadur
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File (332)

OCT 14 1993

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MEMORANDUM FOR: C. J. Heltemes, Jr.
Deputy Director for Generic
Issues and Rulemaking
Office of Nuclear Regulatory Research

FROM: Joseph R. Gray, Deputy Director
Office of Enforcement

SUBJECT: FINAL AMENDMENTS TO 10 CFR PART 55 ON RENEWAL OF
LICENSES AND REQUALIFICATION REQUIREMENTS FOR
LICENSED OPERATORS

Per the request on your memorandum of October 5, 1993, OE
concur in the subject rulemaking package.

Joseph R. Gray
Joseph R. Gray, Deputy Director
Office of Enforcement

cc: T. Murley, NRR
P. Norry, ADM
G. Cranford, IRM
M. Malsch, OGC
R. Scroggins, OC
D. Williams, OIG

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PRESENTATION TO THE ACRS
BRIEFING ON LICENSED OPERATOR REQUALIFICATION

OCTOBER 8, 1993



SHER BAHADUR, CHIEF
REGULATION DEVELOPMENT BRANCH, DRA/RES
301 492-3775

AND

ROBERT M. GALLO, CHIEF
OPERATOR LICENSING BRANCH, DRCH/NRR
301 504-1031

BACKGROUND

- Briefed ACRS on Proposed Rule, October 1992
- Briefed CRGR on Proposed Rule, October 1992
- Submitted Proposed Rule to the Commission, December 1992 (SECY-92-430)
- Published Proposed Rule in Federal Register, May 1993 for a 60-day public comment period
- 42 comments received

SUMMARY OF COMMENTS

1. **Proposed Amendment: Delete § 55.57(b)(2)(iv) requiring licensed operators at Part 50 facilities to pass a comprehensive requalification written examination and operating test administered by the NRC during the term of a 6-year license.**
 - **36 of 42 favored the proposed amendment (of the 36 respondents, 22 were power reactor licensees, 13 were non-power reactor licensees; and 1 representing the National Organization of Test, Research, and Training Reactors).**
 - **6 opposed (most notable from States of Vermont and Illinois).**
 - **Lack of confidence in licensee's grading procedures to detect unsatisfactory licensee requalification programs.**
 - **Current requirement provides a strong incentive for licensees to maintain the quality of their operator training program.**

SUMMARY OF COMMENTS (CONT'D.)

- **Staff Resolution: Deficiency in an operator's performance mostly due to weakness in implementation of licensee's requalification programs. Redirection of NRC resources towards inspection and oversight expected to improve facility programs.**

Recommendation: Delete Section 55.57(b)(2)(iv).

SUMMARY OF COMMENTS (CONT'D.)

2. **Proposed Amendment: Require facility licensee to submit to the NRC for review copies of each written examination or annual operating test used for operator requalification 30 days prior to administration.**
- **41 of the 42 respondents opposed this amendment.**
 - **Additional burden on licensee and NRC without increase in safety benefit.**
 - **1 respondent (non-power reactor licensee) favored this amendment.**
 - **Less burdensome than the current licensee requalification requirements.**

SUMMARY OF COMMENTS (CONT'D.)

- **Staff Resolution:** 30-day period was proposed so that NRC could evaluate examinations and tests to determine scope of on-site inspection. Pilot Inspection Program has demonstrated no such need.

Recommendation: Submission of examinations and tests should be required only upon request.

SUMMARY OF COMMENTS (CONT'D.)

3. **Proposed Amendment: Revise scope of Part 55 to include "facility licensees."**

- **Only 1 of 42 respondents to the FRN commented and endorsed this amendment.**
- **Staff Resolution: This amendment is an administrative addition to the regulation, which is intended to eliminate ambiguities between Parts 50 and 55.**

SUMMARY OF COMMENTS (CONT'D.)

- **Specific Comments Requested: Applicability of the proposed amendments to research and test reactor facilities.**

Based on 97% pass rate in recently completed requalification examinations, staff recommends that the final amendments be applicable to both power and non-power reactor facilities.

**FINAL CHANGES
TO 10 CFR PART 55**

- Delete requirement for NRC to examine each operator for license renewal (i.e., § 55.57(b)(2)(iv)).
- Add requirement to § 55.59 that a facility licensee shall, upon request, submit a copy of its annual operating tests and comprehensive requalification written examinations to the Commission.
- Revise Scope of Part 55 to include "facility licensees."

REQUALIFICATION INSPECTION PROGRAM

- **Inspection Program will focus on program implementation.**
- **Inspection Program would normally coincide with facility operating tests.**
- **Significant requalification program deficiencies may lead to more detailed evaluation using IP 41500 (training and qualification effectiveness).**
- **NRC will conduct requalification examinations for cause.**
- **Pilot Program at nine (9) facilities.**

STATUTORY COMPLIANCE

- **Nuclear Waste Policy Act of 1982**
 - **Requires regulations or guidance establishing requirements for, and governing NRC administration of, requalification examinations.**
 - **Statutory intent is silent regarding definition of "administration."**
- **Part 55**
 - **Part 55.59(a)(2) continues to require examinations.**
 - **"Administration" by NRC oversight meets intent.**

PROPOSED SCHEDULE

- **Complete Offices, CRGR, and ACRS review, October 15, 1993**
- **Final Rule to the EDO, October 29, 1993**
- **Publish Final Rule, December 15, 1993**



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20555-0001

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October 14, 1993

MEMORANDUM FOR: Guy A. Arlotto, NMSS
 William F. Kane, RI
 Frank J. Miraglia, Jr., NRR
 Janice E. Moore, OGC
 Brian W. Sheron, RES

FROM: Edward L. Jordan, Chairman
 Committee to Review Generic Requirements

SUBJECT: CRGR MEETING NO. 251

The Committee to Review Generic Requirements (CRGR) will meet on Tuesday, October 26, 1993 in Room 1F 7-9, OWFN. The agenda is as follows:

- 8:00 - 9:00 a.m. B. Morris (RES) will present for CRGR review proposed final amendments to 10 CFR Part 55 on renewal of licenses and requalification requirements for licensed operators. The review package will be delivered by the sponsoring office directly to CRGR members by COB, Friday, October 15, 1993.
- 9:00 - 10:00 a.m. C.E. Rossi (NRR) will present an information briefing to CRGR on criteria and guidance relating to design document reconstitution activities. A package of background information package will be provided to the members by CRGR staff prior to the meeting.
- 10:00 - 11:00 a.m. If required, the CRGR will discuss member comments on the CRGR Charter revision package prepared by CRGR staff reflecting the final recommendations from Meeting No. 248. This package will be provided to the members by COB, October 15, 1993.

If a CRGR member cannot attend the meeting, it is his/her responsibility to assure that an alternate, who is approved by the CRGR Chairman, attends the meeting.

Persons making presentations to the CRGR are responsible for (1) assuring that the information required for CRGR review is provided to the Committee (CRGR Charter - IV.B), (2) coordinating and presenting views of other offices, (3) as appropriate, assuring that other offices are represented during the

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presentation, and (4) assuring that agenda modifications are coordinated with the CRGR contact (J. Conran - 492-9855) and others involved with the presentation. Division Directors or higher management should attend meetings addressing agenda items under their purview.

In accordance with the EDO's March 29, 1984 memorandum to the Commission concerning "Forwarding of CRGR Documents to the Public Document Room (PDR)," the review packages for items scheduled at this meeting, which contain predecisional information, will not be released to the PDR until the NRC has considered (in a public forum) or decided the matter addressed by the information.

Original Signed by:
E. L. Jordan
Edward L. Jordan, Chairman
Committee to Review Generic
Requirements

cc: SECY
J. Taylor, EDO
Commission (5)
J. Lieberman
Regional Administrators
W. Parler, OGC
J. Larkins, ACRS
P. Norry, ADM
S. Treby, OGC
B. Morris, RES
C.E. Rossi, NRR

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

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October 14, 1993

The Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Selin:

SUBJECT: PROPOSED FINAL AMENDMENTS TO 10 CFR PART 55 ON RENEWAL OF
LICENSES AND REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

During the 402nd meeting of the Advisory Committee on Reactor Safeguards, October 7-8, 1993, we reviewed the NRC staff's proposed final amendments to 10 CFR Part 55, Operators' Licenses. During this meeting, we had the benefit of discussions with representatives of the NRC staff. We also had the benefit of the document referenced.

These proposed amendments would revise the current requalification regulations for licensed operators by eliminating the present requirements that they pass a requalification written examination and operating test administered by the NRC during their six-year license term. Licensed operators would continue to be required to pass the biennial requalification written examination and annual operating test administered by their plant training organizations. As part of the proposed rule change, licensees would be required to submit, upon request, their requalification written examinations or operating tests for NRC review. The staff points out that these changes will allow the redirection of NRC license examiner resources so that the examiners will be able to perform more comprehensive inspections of licensees' operator requalification programs.

We believe that these proposed amendments to 10 CFR Part 55 will be beneficial and recommend their adoption.

Sincerely,

J. Ernest Wilkins, Jr.
Chairman

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The Honorable Ivan Selin

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October 14, 1993

Reference:

Commission Paper, Draft, from James M. Taylor, NRC Executive Director for Operations, for the Commissioners, Subject: Final Amendments to 10 CFR Part 55 on Renewal of Licenses and Regualification Requirements for Licensed Operators, transmitted by memorandum dated October 4, 1993, from Bill M. Morris, NRC, to John T. Larkins, ACRS