

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

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER DE PLANQUE

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

APPROVED XX (w/comment) DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

E. Gail de Planque

SIGNATURE

RELEASE VOTE

December 27, 1993

DATE

WITHHOLD VOTE

ENTERED ON "AS" YES XX No _____

9403280347 940308
PDR PR
55 59FR5934 PDR

Commissioner de Planque's comments on SECY-93-333

The final rule changes the requirement regarding submittal from facility licensees of examinations from the proposed rule language of "all examinations to be submitted 30 days prior to administration" to "upon request consistent with inspection needs". I commend the staff for carefully weighing its needs and the regulatory burden associated with the submittal of the examinations. The final rule language however is open to a considerable degree of interpretation concerning the frequency and timing of possible submittal requests. It could allow request of all examinations, without the limitation in the proposed rule about the 30 days. However, based upon the discussion in the paper and the SOC (pp.10-11 of the FRM), it appears to be staff's intention to require such submittals no more than once a SALP cycle in preparation for the onsite inspection (with the possible exception of instances where program deficiencies exist or for-cause examinations by NRC are planned). Therefore, I believe the SOC should be supplemented to clarify some points:

- (1) What is the expected amount of information and time frame in which it would be required (e.g., is it "selected" past examinations, all past examinations and examinations to be conducted during the onsite inspection);
- (2) What advantage does the staff gain from receipt of an examination to be given during the onsite inspection; and
- (3) The SOC should address why the seemingly reasonable alternatives suggested by the commenters, i.e. submittal after the exams are given and submitting the question banks are unacceptable, or why an implied suggestion, submittal after the examinations upon request, would not be acceptable.

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

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

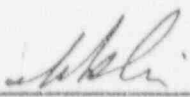
FROM: THE CHAIRMAN

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

APPROVED x DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:



SIGNATURE

RELEASE VOTE / x /

December 22, 1993

DATE

WITHHOLD VOTE / /

ENTERED ON "AS" YES No _____

~~9401270132~~ 042
19

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

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROGERS

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

APPROVED * KCR * DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

*I concur with Commissioner Remick's
comments. KCR*

Kenneth C. Rogers
SIGNATURE

December 22, 1993
DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES NO _____

9401270117
043
18



OFFICE OF THE SECRETARY

UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

IN RESPONSE, PLEASE REFER TO: M940119

"AE39-2"
"PDR"

January 19, 1994

Action: Beckjord, RES

Cys: Taylor
Sniezek
Thompson
Blaha
Murley
Collins, NRR
DiPalo, RES
Meyer, ADM
Shelton, IRM

MEMORANDUM FOR: Carlton R. Stoiber, Director
Office of International Programs

James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., WEDNESDAY, JANUARY 19,
1994, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-93-352 - Proposed Export of Fort St. Vrain Unirradiated
HEU Fuel Assemblies to France for Recovery and Down-Blending
to LEU (XSNM02748)

The Commission, by a 4-0* vote, approved an order responding to a petition to intervene and for a hearing on the proposed issuance of an export license for certain unirradiated HEU fuel assemblies to Transnuclear, Inc., by the Nuclear Control Institute. The order denied the petition.

(Subsequently, on January 19, 1994, the Assistant Secretary signed the Order.)

The Commission has also authorized the issuance of an export license to Transnuclear, Inc.

* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner de Planque was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner de Planque, however, had previously indicated that she would approve this paper and had she been present she would have affirmed her prior vote.

044

9401260068 522

II. SECY-93-333 - Final Amendments to 10 CFR Part 55 on Renewal of Licenses and Requalification Requirements for Licensed Operators

The Commission, by a 4-0* vote, approved final amendments to 10 CFR Part 55 and the proposed Federal Register notice with the changes indicated in the attachment. (RES) Suspense: 02/04/94 9200152

Attachment:
As stated

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24

* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner de Planque was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner de Planque, however, had previously indicated that she would approve this paper and had she been present she would have affirmed her prior vote.

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 routine 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 on-site inspection during the SALP period.

(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.~~ [INSERT] 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

INSERT FOR PAGE 11

During the on-site inspection, the inspectors will observe the facility evaluators administer written examinations and operating tests to the crews being evaluated. Although the facility examination may last several weeks, the NRC's on-site inspection usually lasts only one week. Normally, the NRC intends to request that the facility licensee submit only those written examinations or operating tests that will be administered during the week of the NRC inspection. Obtaining this examination material in advance of the inspection will allow the inspectors to prepare for their on-site inspection activities by reviewing the examinations or tests before they travel to the facility. This advance preparation will result in a more effective use of on-site inspection time and reduce the burden on the facility licensee by placing fewer demands on their training staff during the examination week.