

"RE 39-2"

"PDR"

JANUARY 6, 1993

C O R R E C T I O N N O T I C E

TO ALL HOLDERS OF

SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR PART 55 ON RENEWAL
OF LICENSES AND REQUALIFICATION REQUIREMENTS FOR
LICENSED OPERATORS
(COMMISSION ACTION ITEM)

PLEASE REPLACE PAGES 14 AND 15 OF ENCLOSURE A TO SECY-92-430
WITH THE ATTACHED PAGES (ENCLOSURE 2).

THE SECRETARIAT

ATTACHMENTS:
AS STATED

Schedule for Part 55
May 28 for Publication
July 30 for comment period end
Nov 30 Published final

9301110115

XA

092

14.

NOTATION VOTE

AE39 -2

PDR

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR
PART 55 ON RENEWAL OF LICENSES AND
REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

APPROVED ^{In part} DISAPPROVED ^{In part} ABSTAIN

NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS:

Please see attached comments.



SIGNATURE

2 Feb 93
DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES No

*9305210005
6pp
018*

Commissioner Remick's Comments on SECY-92-430:

I approve in part and disapprove in part the staff's recommendation to publish for comment the proposed amendments to 10 CFR Part 55.

* I favor returning the conduct of requalification operating tests and written examinations to facility licensees (as was the case before 1983), with the staff auditing the test and examination process through its inspection program and, where there is cause, the staff using the flexible authority in 10 CFR 55.59(a)(2)(iii) to conduct all or portions of the tests and examinations.

The existing Memorandum of Agreement between INPO and the NRC assures that the NRC will be aware of any modifications, or updates to the industry's accreditation program objectives and criteria documents which would warrant any modification in the NRC position expressed in the FRN. In addition to verifying licensee programs through the NRC inspection process, the staff will continue to monitor the acceptability of the industry accreditation process by:

- (a) Nominating individuals who are not on the NRC staff to serve as members of the National Nuclear Accrediting Board with full voting privileges;
- (b) Having an NRC staff member attend and observe selected National Nuclear Accrediting Board meetings;
- (c) Having NRC employees observe INPO accreditation team site visits; and
- (d) Receiving periodic briefings and reviewing any modifications in the program objectives and criteria.

audit I agree with the staff "that it could ensure and improve operational safety at each facility by directing its resources to inspect and oversee facility requalification programs rather than conducting requalification examinations." Such an approach is consistent with the NRC Principles of Good Regulation, which state in part that "Regulatory activities should be consistent with the degree of risk reduction that they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted."

* However, I disapprove the staff's proposal to periodically conduct selected portions of requalification operating tests and written examinations at each facility for other than cause or as the Commission specifically approves. Existing Section 55.59(a)(2)(iii) provides that the NRC may administer requalification tests and examinations in lieu of the facility licensee. The staff indicates that the NRC will utilize this existing option not only to conduct the exams for cause, but also to periodically ("at each facility at least every 6 years") conduct selected portions of requalification examinations (presumably this means operating tests and written examinations). I strongly support the NRC conduct of requalification exams where there are indications that the requalification program is faltering, in other

Do not have a copy of the Memorandum

How many on the Board where are they located who at the NRC coordinated a Board mtg. when

audit

not a complete answer

leave power at any time with the licensee

Regular intervals but don't say when

can be done under 55.59

words, if such action is warranted for cause. However, I do not support the staff's proposal to periodically conduct portions of exams at all facility licensees. Apparently, the staff's sole justification for this proposal is that "these periodic examinations will allow the staff to maintain the skills required to conduct requalification examinations...". If this is deemed to be essential, alternatives other than the conduct of approximately twenty partial requalification exams per year are available.

I approve the publication for comment in the Federal Register of the proposed amendments to 10 CFR Part 55 subject to the modifications (attached) which delete reference to the staff's intention to periodically conduct selected portions of requalification tests and examinations at each facility at least every 6 years. Further, I provide one editorial suggestion, as indicated, to clarify the staff's intent that the proposed amendments apply to research and test reactor licensees. No changes are needed in the proposed amendments to 10 CFR Part 55 themselves; however, conforming changes may be needed in other documents (e.g., the Draft Regulatory Analysis).

In addition, I have two concerns which I would like the staff to consider during the comment period and the preparation of the final rule. Both concerns have to do with the proposed amendment to § 55.59, which would require that facility licensees submit to the NRC each annual operating test or comprehensive written examination at least thirty days prior to conducting such test or exam. First, I question the efficacy of this in light of the fact that the staff could audit these tests and exams on site as part of its inspection or initial licensing process, as done in the past. I doubt that the mere submission of these tests and exams, in and of itself, will represent an undue burden on licensees, but I believe that the receipt of an average of several test or exam packages every working day of the year*, year in and year out, is a questionable drain on NRC resources, including storage facilities. Second, I am concerned that the requirement to submit tests and exams thirty days in advance will prove unduly burdensome to licensees. They need to develop separate tests and exams for multiple shift and administrative crews, and it will be difficult for them to do this and still meet the 30-day requirement.

As a separate matter, I will be providing comments on SECY-92-432, "Status of the Licensed Operator Requalification Program - Response to Staff Requirements Memorandum (M920602)." SECY-92-432 outlines the staff's proposed inspection process for requalification programs.

* I am assuming: (1) that there are 75 power reactor and 42 research and test reactor requalification programs, (2) that each power reactor facility has six operating or "administrative" crews, (3) that power reactor licensees submit an operating test for each crew annually and written examinations for each crew bi-annually, and (4) that research and test reactor licensees annually submit a combined operating test and written exam. On these assumptions, there will be $(75 \times 6 \times 1.5) + (42 \times 1) = 717$ packages each year. At 250 working days per year, that's 2.9 packages each working day, or one every 2 3/4 hours each working day.

Approved

Concerns
when and how often does the staff make inspections visits?

Is there an inconsistency here?

How do you get the 1.5?

NUCLEAR REGULATORY COMMISSION

10 CFR Part 55

RIN-AE 39

Operators' Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to delete the requirement that each licensed operator ^{at power, test and research reactors} pass a comprehensive requalification written examination and an operating test conducted by the NRC during the term of the operator's 6-year license as a prerequisite for license renewal. The proposed amendment will require facility licensees to submit copies of each annual operating test or comprehensive written examination used for operator requalification for review by the Commission at least 30 days prior to conducting the examination or the test. In addition, the proposed rule will amend the "Scope" provisions of the regulations pertaining to operators' licenses to include facility licensees.

DATES: The comment period expires _____. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

to giving the test or examination. The NRC would review these examinations on an audit basis for conformance with 10 CFR 55.59(a)(2)(i&ii). The NRC would also review other information already available to the staff to determine the scope of an on-site inspection of the facility requalification program. ~~The NRC also intends to conduct selected portions of requalification examinations at each facility at least every 6 years.~~ The NRC would continue to expect each facility to meet all of the conditions required for conducting a requalification program in accordance with 10 CFR 55.59(c).

Licensed operators would not have to take any additional actions. Each operator would continue to meet all the conditions of his or her license described in 10 CFR 55.53, which includes passing the facility-conducted requalification examinations for license renewal. Each licensed operator would be expected to continue to meet the requirements of the facility requalification training program. However, the licensed operator would no longer be required to pass a requalification examination conducted by the NRC during the term of his or her license as a condition of license renewal.

The "Scope" of Part 55, § 55.2, will be revised to include facility licensees. This is an addition to the regulation. It eliminates currently existing ambiguities between the regulations of Parts 50 and 55. Part 50, in § 50.54(i) through (m), already imposes Part 55 requirements on facility licensees, and Part 55 already specifies requirements for facility licensees.

The proposed amendments would meet the requirements of Section 306 of the NWSA without the requirement that each licensed individual pass a requalification examination conducted by the NRC during the 6-year term of the individual's license. The requirements of the NWSA would be met as follows:

- 1) the regulations would continue to require facilities to have

requalification programs and conduct requalification examinations; 2) the NRC would provide oversight (i.e., administration) for these programs and examinations through inspections; and 3) § 55.59(a)(2)(iii) provides that the NRC may conduct requalification examinations in lieu of accepting the facility licensee's certification that a licensed individual has passed the facility requalification examination. The NRC will use this option if warranted after an on-site inspection of the facility's requalification program ~~and also to periodically conduct selected portions of requalification examinations.~~ The proposed amendments would not affect the regulatory or other appropriate guidance required by Section 306 of the NWSA and established in § 55.59(a)(2)(iii) for the NRC to conduct requalification examinations in lieu of an examination given by the facility.

Invitation To Comment

Comments concerning the scope, content, and implementation of the proposed amendments are encouraged. Comments on the applicability of the proposed amendments to research and test reactor facilities are especially solicited, as are suggestions for alternatives to those rulemaking methods described in this notice.

Finding of No Significant Environmental Impact: Availability

The NRC has determined that the proposed amendments, if adopted, are the type of action described in categorical exclusion 10 CFR 51.22(c)(1).



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20549

"AE37-2"
 "PDR"

FAX NO'S 301 - 504-2260
 504-2259
 504-1137

VERIFICATION NO. 301 - 504-2262

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5.	_____	_____
	FAX # _____	VERIFICATION _____

NUMBER OF PAGES 6 AND COVER SHEET

FROM NEAL HUNEMULLER PHONE EXT. 504-3173

OFFICE NRR MAIL STOP # 10022

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER CURTISS
SUBJECT: SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR
PART 55 ON RENEWAL OF LICENSES AND
REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

APPROVED X/with
comments DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

Jim R. Utin
SIGNATURE
February 10, 1993
DATE

RELEASE VOTE / /

WITHHOLD VOTE / /

ENTERED ON "AS" YES X No _____

4305210006 019

Commissioner Curtiss' Comments on SECY-92-430:

There are several matters where SECY-92-432 provides a more detailed description of how staff intends to implement the proposed approach set forth in SECY-92-430. I believe it is important that these additional details be incorporated into the proposed rule in SECY-92-430. In particular, there are three areas where additional discussion should be included:

1. SECY-92-432 indicates that the staff will inspect each facility licensee's operator requalification program annually, unless the facility is scheduled for an NRC requalification examination. SECY-92-430 makes no mention of a minimum periodicity of inspection.
2. SECY-92-432 indicates that the staff's onsite inspection is expected to coincide with the annual operating tests that the facility gives to its operators. The staff will assess the facility licensee's ability to maintain established operator performance standards, to evaluate its crews and operators objectively, and to provide remedial training when necessary. SECY-92-430 makes no mention of when the inspections will normally occur or the above nature of the inspections. The fact that these inspections will occur at a time when the NRC can monitor exam administration provides important incentive to operators and trainers.
3. SECY-92-432 indicates that the NRC will also retain the authority to conduct examinations "for cause" at any facility where it believes that ineffective training is causing operators to commit errors. The regional managers will consider overall operational performance, the results of NRC inspection programs (e.g., requalification, emergency operating procedure, and resident), the results of routine initial and requalification examinations, and other factors when deciding whether to conduct a "for cause" requalification exam at the facility. SECY-92-430 does not describe the breadth of criteria that may trigger "for cause" testing.

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: THE CHAIRMAN
SUBJECT: SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR
PART 55 ON RENEWAL OF LICENSES AND
REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

APPROVED x DISAPPROVED ABSTAIN
NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS:

[Signature]
SIGNATURE

RELEASE VOTE x

January 19, 1993
DATE

WITHHOLD VOTE

ENTERED ON "AS" YES / NO

9305210010 ⁰²⁰
1p.

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER DE PLANQUE
SUBJECT: SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR
PART 55 ON RENEWAL OF LICENSES AND
REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

APPROVED (in part) DISAPPROVED (in part) ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

I agree with Commissioner Remick's proposal to delete reference to the intention to periodically conduct portions of the tests at all facilities. I further agree with Commissioner Curtiss that the details from SECY-92-432 should be incorporated into the proposed rule publication.

C. Guil de Planque

SIGNATURE

RELEASE VOTE

February 11, 1993

DATE

WITHHOLD VOTE

ENTERED ON "AS" YES No _____

9305210004 ⁰²²₀₂₁

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER ROGERS
SUBJECT: SECY-92-430 - PROPOSED AMENDMENTS TO 10 CFR
PART 55 ON RENEWAL OF LICENSES AND
REQUALIFICATION REQUIREMENTS FOR LICENSED
OPERATORS

APPROVED * KCK * DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

*I approve publication for comment of the
proposed rule. KCK*

Kenneth C. Rogers
SIGNATURE

January 16, 1993
DATE

RELEASE VOTE / /

WITHHOLD VOTE / /

ENTERED ON "AS" YES NO _____

9305210008 ~~022~~
18