

DOCKET NUMBER

PETITION RULE PRM 50-41
(51FR 17361)

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-41]

PUBLIC CITIZEN; PETITION FOR RULEMAKING

7590-01

DOCKETED
USNRC

'86 MAY -7 P3:04

AGENCY: Nuclear Regulatory Commission.

ACTION: Receipt of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) requests public comments on this notice of receipt of a petition for rulemaking dated April 15, 1986, that was filed on behalf of Public Citizen by Eric Glitzenstein, Attorney for Public Citizen, and Ken Bossong, Director, Critical Mass Energy Project. The petition was docketed by the Commission on April 17, 1986, and assigned Docket No. PRM-50-41. The petitioner requests that the NRC adopt specific regulations or other Commission guidance setting forth detailed requirements for training and fitness for duty. The petitioner contends that this action is needed to comply with the Nuclear Waste Policy Act of 1982.

DATES: Submit comments by July 11, 1986 Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

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add. John Phelps. 4000 MMB

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Pub: 5/12/86
App: 7/11/86

Obtain a copy of the petition by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A copy of the petition and of comments on the petition are available for inspection or copying for a fee at the Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7086 or, Toll Free, 800-368-5642.

SUPPLEMENTARY INFORMATION:

Petitioner's Proposal

The petitioner requests that the NRC immediately undertake rulemaking to comply with the statutory mandate of the NRC Training Authorization statute, Section 306 of the Nuclear Waste Policy Act of 1982 (NWPAA), 42 U.S.C. §10226. Further, the petitioner urges the NRC to take appropriate steps to adopt specific regulations, or other Commission guidance setting forth detailed requirements for training and fitness for duty for nuclear power plant licensee personnel.

Basis of the Proposal

The petitioner bases the proposal on the statutory mandate of Section 306 of the NWPAA. This section directs the NRC "...to promulgate regulations, or other appropriate Commission regulatory guidance, for the training and

qualifications of civilian nuclear powerplant operators, supervisors, technicians and other appropriate operating personnel." Section 306 directs that these regulations or guidance, among other things, establish instructional requirements for civilian nuclear power plant licensee personnel training programs. Section 306 mandated that regulations or guidance be promulgated by NRC by January 7, 1984.

The petitioner contends that the NRC has failed to comply with the statutory mandate of this section and that the statutory deadline for compliance has long since passed.

Reasons for the Proposal

The petitioner contends that the Commission Policy Statement on Training and Qualification of Nuclear Power Plant Personnel (50 FR 11147) that was published March 20, 1985, and the proposal of a Policy Statement on Fitness for Duty of Power Plant Personnel are legally insufficient to fulfill the NWPA Section 306 statutory mandate.

The Training and Qualification Policy Statement, according to the petitioner, does not comply with the statute in three ways.

First, the Policy Statement gives five elements of an acceptable training program that are vague and general and fail to set forth any specific standards against which compliance can be measured or enforced. Further, the petitioner thinks that because these five elements do not outline requirements for a training program they do not comport with Congress' intent in enacting Section 306.

Second, NRC's simply endorsing the Institute for Nuclear Power Operation (INPO) accreditation programs rather than promulgating NRC training requirements does not comply with the statute. Again, the petitioner thinks, NRC action does not meet the intent of the legislative history of Section 306 in which Senator Weicker specifically noted "...the shortcomings of relying only upon INPO or other existing institutions."

In addition, the petitioner thinks that the NRC's endorsement of the INPO accreditation program sacrifices public input into the development of regulations or guidance and public access to documents reflecting the utilities implementation of the regulations or guidance.

Third, the petitioner thinks the policy statement does not provide for adequate evaluation of the effectiveness of a training program in three ways: (1) as mentioned regarding the vagueness of the elements, the five elements provide no standard to measure against; (2) by providing that the NRC monitor only the facilities that achieve INPO accreditation, the NRC is not monitoring plants where the most severe training problems exist; and (3) the NRC has retained no power to ensure, prospectively, that adequate training programs exist at individual facilities or that plants achieve accreditation within a set timeframe.

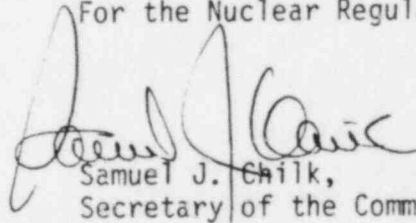
Since no policy statement has been published with regard to Fitness for Duty of Plant Personnel, the petitioner contends "...that the NRC has totally abandoned its responsibilities under section 306."

Conclusion

The petitioner concludes that the NRC has failed to fulfill its statutory obligations under the Section 306 Training Authorization of the NWPA. This failure results, according to the petitioner, in increased danger to the health and safety of the public from inadequately trained power plant operators. Therefore, Public Citizen urges the NRC to adopt specific regulations or guidance that set forth detailed requirements for training and fitness for duty.

Dated at Washington, D.C., this 7th day of MAY 1986.

For the Nuclear Regulatory Commission.


Samuel J. Chalk,
Secretary of the Commission.