



NRC RROAR
Initiative:
TRTR Comments
and
Recommendations

NRC Public Workshop

June 15, 2021



RROAR

Overview and Objectives

- Retrospective Review of Administrative Requirements
 - Identify repetitive/burdensome/unnecessary administrative requirements
 - Eliminate if appropriate in consideration of Commission-approved evaluation criteria, meeting any:
 - Routine/periodic recordkeeping/recording requirements not used in >3 years.
 - Requirements for reports/records containing information reasonably accessible from alternative sources.
 - Modifications to requirements for reports or records that result in reduced burden without impacting programmatic needs, regulatory efficiency, transparency.
 - Requirements and reporting requirements that result in significant burden.

NRC “Principles of Good Regulation”

- Independence
- Openness
- Efficiency
- Clarity
- Reliability

Initial TRTR/NEI input
provided by letter
May 6, 2020
as part of RROAR
public comment
period*

Operator medical qualification process should be risk-informed based on currently endorsed guidance, ANSI/ANS Standard 15.4, Section 7.3

- 10 CFR 55.33 should be modified to allow for *alternate means* for operator medical qualification at non-power production or utilization facilities (NPUFs)
- ANSI/ANS Standard 15.4, Section 7.3, which NRC has previously endorsed, permits in 7.3.1(3), *“Certification from Level 2 indicating that the individual can safely perform his or her assigned duties.”*

May 6, 2020 Feedback Continued

- 10 CFR 55.33 could incorporate a new part (c) which states:

“Medical qualification for facilities licensed under 104(a), (b), or (c) of this part may be justified at the time of initial application and subsequent renewal by having a valid U.S. driver’s license, by consent of the Level 2 individual, or in accordance with the established Requalification Plan. An operator shall obtain written statement from a licensed physician, physician’s assistant, or nurse practitioner stating the individual can reasonably be expected to perform operations consistent with those necessary to operate a commercial motor vehicle.”

Risk-informed approaches for NPUFs directly align with the intent of the Atomic Energy Act (AEA) of 1954, as amended, which dictates “minimum regulations” be imposed upon NPUFs

TRTR Input

- Viewed as a valuable opportunity to provide licensee input, to help risk-inform regulatory processes.
- Intend to:
 - Describe several generally observed scenarios.
 - Offer recommendations with clear benefits to NRC and licensees while meeting Commission established criteria.
 - Open and continue dialog to continuously improve processes for betterment of regulator/licensee interaction.

Medical Qualifications

- Three primary issues have been identified by licensees regarding medical qualification reporting and processes:
 - Evaluation of Therapeutic/Medical Device usage
 - Operator Health Assurance by Licensee Management
 - Medical Form 396 Submittal Timelines
- All have significant impact on the timeline for processing medical qualification of license candidates and impose confusing and mission limiting issues.

Medical Qualifications – Issue 1 - Devices

- **Observation:** CPAP machines, pacemakers, other medical aids/devices assessed inconsistently, sometimes using Power Reactor criteria, generally without considering impact on operator's ability to perform functions safely. Some are listed as license conditions or restrictions, such as CPAP, while not listed in ANSI/ANS 15.4 Part 7.2.3
- **Detriment:** Unnecessary restrictions on operators, requires additional operator to be present in control room, delays in licensing timeline.
- **Recommendation:** Use risk-informed stance to apply consistent guidance and requirements in consideration of safety impact from operator medical conditions.
- **Benefit:** Eliminates/reduces burden of personal judgement of examiners for medical conditions, reduces costs and need for NRC medical professional appraisal, reduces delays of licensing, reduces additional licensee staffing needs.

Medical Qualifications – Issue 2 - Assurances

- **Observation:** Commonly, facility judgement of operator health certification is bypassed and referred to NRC medical professional to make judgment without a medical examination of candidate, despite ANS/ANSI 15.4 Section 7 guidance. Facility Level 2 is assigned such responsibility. “Each requirement (in relation to health) should be considered in the context of the certain assigned duties of the individual at the particular facility...”
- **Detriment:** Creates unclear, inconsistent process that adds delays to operator licensing exams. Imposes additional undocumented regulation on RTRs without regard to NRC endorsed guidance (15.4)
- **Recommendation:** Establish/abide by existing guidance in accepting Level 2 judgment and consider context of assigned duties in determining reference to NRC medical professional.
- **Benefit:** Reduces delays in licensing operators, clarifies process, abides by official guidance and risk-informed decision-making practices, reduces cost of additional NRC medical professional assessments.

Medical Qualifications – Issue 3 - Timeline

- **Observation:** The 14-day lead time requirement to submit form 396 before examination is often insufficient due to extensive reviews, typically caused by issues 1 & 2. Some facilities self impose 30-day timeframes to avoid these delays.
- **Detriment:** Licensing exams are delayed on short notice, placing additional burden on examiner and facility schedules.
- **Recommendation:** Interested in NRC insights on how to correct and improve this issue.
- **Benefit:** Improvements in this area would make planning exams more predictable, reduce last minute rescheduling, reduce costs of travel arrangement changes, and reduce overall regulatory burden.

Training Issues

Residency at the facility.

Senior Reactor Operator-Instant application scrutiny on experience and educational supplementation.

Experience justifications.

Required information for license renewals and timeliness of renewals/new licenses.

Residency at the Facility

- There is no current regulation that justifies the one-year residency requirement that has become common practice with the NRC.
- The NRC insists on candidates having at least a one-year residency at the facility to be eligible for a license.
 - There is no such requirement in the RTR examiner standards (NUREG-1478) or in the ANSI/ANS standards on Selection and Training of Personnel (ANS 15.4).
 - An individual's ability to successfully complete the training program for the position and satisfy all job performance requirements should be the determining factors for appointment to the position.
- The following is the experience requirements from NUREG-1478, Rev. 2-ES-202N:
 - RO – HS diploma or GED/homeschool certificate preferred; must have received sufficient training at the facility and results of that training have been objectively evaluated to ensure the safe assumption of the duties and responsibilities of a licensed operator.
 - SRO-I – applicant should have a minimum of 3 years of nuclear experience. Two years of full-time academic training may be substituted for 2 years of experience.
 - SRO-U – minimum of 1 year experience as an RO at the facility or meet the requirements for an SRO-I.

Residency at the Facility Continued

- Since the NRC has this unofficial residency requirement, waivers are required to waive this unofficial residency requirement.
- It should be noted that the residency requirements in ANS 3.1 for power reactors are only 6 months (for ROs and SROs). Having a one-year residency for RTRs, which poses a much smaller risk to operate, does not make sense, and is not risk-informed.

Scrutiny on Experience for SRO-I

- The NRC is scrutinizing all applications for SRO-I and applying rigorous requirements for the three-year nuclear experience.
 - It should be up to the facility to determine a candidate's SRO-I status.
 - There is no regulatory basis for these requirements.
- ANS 15.4 states that academic training may be used for 2 out of the 3 years needed.
- Nuclear Experience may include many related activities as defined by ANS 15.4

Experience Justifications

- The NRC is requiring explicit explanation of how past experiences count as relevant nuclear experience, despite the instructions not requiring this information.
 - This includes the licensee having to write out how someone with a previous SRO license at the facility has enough relevant nuclear experience to sit for an exam.
- From NUREG-1478, Rev. 2-ES-202N
 - Item 15 – Experience must be current up to the date of application. Applicable experience gained at other research and test facilities and/or nuclear power plants, as well as any military experience, should be included. In all cases, the applicant should briefly and fully describe his or her experience in Item 15.

Experience Justifications Continued

- Reactor Management should ultimately be the entity that makes the determination whether an individual is qualified.
- The NRC has asked the licensee to provide additional details regarding an applicant's work history, even if the work history does not have any relevant nexus to nuclear experience.
 - This leads to delays in the application process or could even result in a candidate missing the scheduled exam, due to including non-nuclear work history in the nuclear work history category, at NRC's request.
 - Providing this information is burdensome, not useful to the applicant, the application, or meeting the mission of the RTR
- An NRC official reviewing a few paragraphs of qualification statements cannot possibly make such an evaluation, therefore it should be up to the licensee to determine if the candidate has enough experience and training to sit for a license exam.

Timeliness of License Exams/Renewals

- The time it has taken to receive new licenses has increased significantly over the last few years, this trend began in the 2018-2019 timeframe
 - This increases the burden for all RTR facilities. These issues include plant staffing, turnover rate, and participation.
 - The timeliness of receiving a license directly disrupts the mission of Training Reactors.
 - Further, with only ~1 scheduled exam/year, some candidates are prepared for the exam months prior and then must wait even longer after the exam is taken to be given a license.
- **There are still license renewals that have not been received by facility that were filed over a year ago.**

Required Information for Renewals

- The NRC is not consistent on the requirements for SRO licensing renewals.
 - NRC Form 398 clearly states what sections must be completed when applying for license renewal. The requirements seem to change at the whim of the NRC acting official.
 - This usually happens when the licensee contacts the NRC to determine the status of the renewal application which was sent well in advance.
- The inactivity of the NRC should not determine the request for additional, unrequired information, which places a duplicative burden on the licensee.
 - When in “timely renewal,” required documents should be “frozen” so that the licensee does not need to re-submit certain parts of the application again, simply due to inaction of the NRC

Inspection Reports

- **Observation:** There are large gaps in time between the conclusion of an inspection, particularly routine inspections, and receipt of the official report.
 - Official report release is >6 months in several cases from inspection date.
- **Detriment:** Report preparation time is long due to extra content that serves little purpose.
 - Held up in process for any number of reasons, but preparation burden seems large and key.
- **Recommendation:** Have a pilot program to explore the use of an electronic reporting system.
- **Benefit:** Reduces burden to prepare, review, officiate, time to release, provides written documentation to facilities for action in shorter order, in conjunction with verbal exit meetings.

Closing

- The RROAR initiative is viewed as a valuable pathway to changing outdated, duplicative, and burdensome requirements to improve the regulator/licensee interaction.
- The Operator Licensing Program (including both medical and training issues raised) is ripe for transformation and improvement
- Thank you for the opportunity to present TRTR's observations and recommendations.