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DOCUMENT DATE: 07/18/1983

TITLE: PRM-055-001 - - PETITION FOR REULMAKING BY KMC, INC.
TO SIMPLIFY MEDICAL STATUS REVIEW FOR REACTOR
OPERATOR APPLICANTS

CASE REFERENCE: PRM-055-001

KEY WORD: RULEMAKING COMMENTS

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

August 12, 1983

Vol. 1
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USNRC

'83 NOV -2 P2:39

MEMORANDUM FOR: Joseph M. Felton, Director
Division of Rules and Records
Office of Administration

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

SUBJECT: PETITION FOR RULEMAKING PRN-55-1

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

DOCKET NUMBER
PETITION RULE PRM-55-1

In your memorandum to me dated August 5, 1983, you forwarded a petition for rulemaking filed by KMC, Inc., (PRM-55-1) for our evaluation. We have reviewed the petition to determine if it falls within the requirements of 10 CFR §2.802(e), as you requested. Since the subject of the petition, utility certification of medical fitness of licensed operators, is included in the revisions to 10 CFR Part 55 that are underway, the petition does qualify for the "fast-track" provision of §2.802(e).

On August 10, 1983, Don Beckham, Chief, Operator Licensing Branch, discussed this petition with Nita Beeson of your staff. Nita indicated that the preamble to the proposed rule should include a statement that the rule change will respond to the petition. The preamble will be modified to include such a statement. If you have any questions on this subject, please contact Susan Shankman, Operator Licensing Branch, at extension 29703.

A handwritten signature in dark ink, appearing to read "H. R. Denton", written over the typed name.

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

cc: J. Philips
N. Beeson

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MEMORANDUM FOR: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

FROM: J. M. Felton, Director
Division of Rules and Records
Office of Administration

SUBJECT: PETITION FOR RULEMAKING (PRM-55-1) FILED
BY KMC, INC.

Enclosed for your information is a petition for rulemaking (PRM-55-1) filed by KMC, Inc., on behalf of the Qualifications of Reactor Operators (QRO) utility group. We request a determination from your office on whether this petition qualifies for special handling by the staff as a "fast-track" petition for rulemaking as set out in §2.802(e) of the Commission's regulations, recognizing that J. Persensky's Division of Human Factors Safety Task Force is currently revising 10 CFR Part 55.

If, after a review of PRM-55-1, it is determined that your office should not handle this petition as a "fast-track" petition, we will publish a Federal Register notice to note receipt of, and obtain public comments on, this petition. A draft notice is enclosed for your comments and concurrence. If the enclosed notice is acceptable, we will prepare the Congressional letters and the letter to the petitioner. Your office will receive copies of these letters as part of the staff action package.

Please let me know if you decide that expedited treatment of PRM-55-1 as a proposed rule is warranted, or provide your comments and concurrence on the enclosed notice of receipt of petition by August 12, 1983. Also, please let me know who on your staff has been designated the staff leader for action on PRM-55-1.

If you have any questions concerning this matter, please have a member of your staff contact John Philips, Chief, Rules and Procedures Branch, DRR, on extension 27036.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures:

1. PRM-55-1
2. Federal Register notice

OFFICE	ADM:DRR	ADM:DRR	ADM:DRR				
SURNAME	NBeeson/BKG	JPhilips	JMFelton				
DATE	8/1/83	8/2/83	8/3/83				



DOCKET NUMBER
PETITION RULE PRM 55-1



DR. DONALD F. KNUTH
President

July 18, 1983

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: DOCKETING AND SERVICE BRANCH

Dear Mr. Chilk:

The Qualifications of Reactor Operators (QRO) utility group is an organization of nineteen utilities whose purpose is to provide meaningful comments from a significant segment of the nuclear industry on rules affecting operator qualifications. The QRO has commented on several occasions to the Commission, both sua sponte and in response to requests made for comments by the Commission in the Federal Register. Previous comment letters addressed NUREG/CR 1750, proposed changes to 10 CFR 55 (SECY 81-84A), the peer panel report on reactor operators, and the staff manning requirements. The utilities who compose the membership of the QRO utility group have a direct interest in the efficient handling of applications for operators' licenses. The list of utility members is provided as enclosure A.

The purpose of this letter is to petition the Commission to simplify the procedure for the review of the medical status of applicants for operator and senior operator licenses, improving efficiency and lessening the backlog of applications without affecting safety.

Pursuant to 10 CFR Part 55, Operators' Licenses, one of the findings the Commission must make prior to issuing an operator or senior operator license is that "the physical condition and the general health of the applicant are not such as might cause operational errors endangering the public health and safety" (Section 55.11(a)).

Presently, the NRC makes this finding after reviewing a Certificate of Medical Examination, Form NRC 396, submitted by the applicant and a physician. The form consists of a series of questions answered by the applicant and the results of a physical examination by a licensed

U. S. NUCLEAR REGULATORY COMMISSION

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sig to John Phillips

physician. The form is reviewed by an NRC contract physician who recommends either licensing the individual with or without conditions, or denial of the application.

Quite often the NRC physician requests additional information prior to making a final recommendation. As the number of applications has increased with the addition of more operating plants, so have the requests for additional information from the NRC physicians. The vast majority of the requests for additional information are due to misunderstandings between physicians or minor errors in completing the form. Rarely, if ever, has a review of the request for additional information resulted in a determination to deny an application. Indeed, denials for medical reasons are extremely rare. Yet, considerable administrative time is expended by the utility staff and physician, and the NRC Operator Licensing Branch staff and physician in processing the Form NRC 396.

To reduce the confusion and at the urging of the NRC staff in 1974, the American Nuclear Society formed a committee to develop a medical standard for licensed operators. The committee consisted of an AEC physician, a Savannah River Plant physician, three utility physicians, the NRC Operator Licensing Branch Chief, and a utility production superintendent. The results of their work were approved by the American National Standards Institute on April 12, 1976, resulting in the issuance of ANSI N546-1976, "Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants." The standard was subsequently endorsed by NRC with the publication of Regulatory Guide 1.134. However, the confusion and backlog of applications has not diminished, as had been hoped.

We believe that it would be appropriate for the NRC to accept in lieu of Form 396 a certificate from the physician that would indicate (1) the applicant has been examined by a licensed medical examiner, (2) the applicant's physical condition and general health is not such as might cause operational errors endangering public health and safety, and (3) the examiner was guided by the information contained in ANSI N546-1976 in making this determination. Thus a review by an NRC contracted physician would not be necessary.

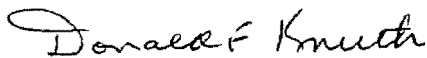
In allowing this action, the NRC would be accepting the professional opinion of a licensed physician in a utility certification regarding an applicant's physical condition. In the same manner, the Commission accepts the utility's certification of the operator's ability to operate the controls in a competent and safe manner (10 CFR Part 55.10(a)(6)).

It should also be noted that an applicant's detailed medical history and the results of a medical examination that include the physician's comments as well as numerical values regarding vision, hearing, etc, is very personal and should, to the extent possible, be kept confidential. Submission of the certificate in lieu of Form NRC 396, would assure this confidentiality.

KMC, Inc., as the agent for the QRO Group, has discussed this petition with members of the NRC staff, who concede the problem of delays exists and concur in principle with the petition.

In conclusion, KMC, Inc., and the utilities of the Qualifications of Reactor Operators Utility Group feel that the administrative procedures for ensuring that operators are physically capable result in excessive delays. Therefore, pursuant to 10 CFR 2.802, we request the NRC amend its regulations to permit licensees and their designated physician to certify to the physical condition and general health of applicants for operator and senior operator licenses, and based on this certification, that NRC make the finding required by 10 CFR 55.11(a).

Sincerely,



Donald F. Knuth
KMC, Inc.

enclosure

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket No. PRM _____
10 CFR Part 55)	
Sections 55.11(a) (2) and)	
55.60)	

PETITION FOR RULEMAKING

Pursuant to 10 CFR §2.802, KMC, Inc. on behalf of itself and the utilities listed in Attachment A (hereinafter referred to as Petitioners), hereby petition the Nuclear Regulatory Commission (NRC or Commission) to amend 10 CFR Part 55.60 to modify the present requirements for submittal of operator and senior operator applicant's medical information.

Under the present regulations, applicants for operator and senior operator licenses must submit Form NRC 396, Certificate of Medical Examination. This form consists of a detailed medical history and the results of a medical examination by a licensed physician. Based on a review of the information contained on the form, a contracted physician recommends to NRC either issuance of the license with or without conditions, or denial of the application for medical reasons. The NRC takes final action on the application based, in part, on the physician's recommendation.

Both the utility physician and the NRC contract physician use ANSI N546-1976 "Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants," which has been endorsed by Regulatory Guide 1.134, "Medical Evaluation of Nuclear Power Plant Personnel Requiring Operator Licenses," to determine if the applicant's physical condition and general health is not such as might cause operational errors endangering public health and safety.

The petitioners request that the Commission amend its regulations to permit designated medical examiners, as defined in ANSI-N546-1976, to be permitted to submit a Certification that the applicant has been examined using the guidance contained in ANSI N546-1976 as endorsed by Regulatory Guide 1.134, and that the applicant's general health and physical condition is not such as might cause operational errors. The use of the current NRC Form 396 would be discontinued for utility operators. The detailed medical records would be retained by the licensee designated medical examiner.

Further, it is proposed that Section 55.60 be amended to state as follows:

"(a) Except as provided for in (b), an applicant shall complete and sign Form NRC-396 "Certificate of Medical Examination."

"(b) For applicants for licenses for production and utilization facilities a licensee designated medical examiner may complete and sign Form-NRC-396A, and shall mail the completed form as indicated in (c).

"(c) Redesignate the present paragraph (b) as (c).

Note: Copies of Form NRC 396 and NRC 396A may be obtained by writing to the Director of Nuclear Reactor Regulation or Director of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. "

We believe that the use of Form NRC 396A (proposed copy enclosed) will result in a significant reduction in administrative resources for utilities and NRC, permit detailed medical information to be restricted to the applicant and the designated medical examiner and still maintain reasonable assurance that the general health and physical condition of the applicants is not such as might cause operational error.

Your consideration of our request is appreciated.

Respectfully submitted,
KMC, Inc.

By Donald F. Knuth

Donald F. Knuth
801 18th St., N.W.
Washington, D.C. 20006
202/293-4200

encl.

PROPOSED FORM NRC-396A

Form NRC-396A

"CERTIFICATE OF MEDICAL EXAMINATION"

Name: _____ Date: _____

Facility: _____

This is to certify that the above named applicant for an Operator/Senior Operator License has been examined by the undersigned. Based on the results of the examination, including information furnished by the applicant, I certify that the applicant's physical condition and general health is not such as might cause operational errors endangering public health and safety. In reaching this determination the guidance contained in ANSI N546- as endorsed by Regulatory Guide 1.134 was followed. Further, I recommend that the applicant's license be conditioned as follows:

_____ None

_____ Corrective lenses be worn when performing licensed duties

Signature

State in Which Licensed

QUALIFICATION OF REACTOR
OPERATORS

Baltimore Gas & Electric Co.
Cincinnati Gas & Electric Co.
Consumers Power Co.
Florida Power Corporation
Florida Power & Light Co.
Gulf States Utilities
Maine Yankee Atomic Power
Nebraska Public Power District
Northeast Utilities Co.
Northern States Power Co.
Omaha Public Power District
Pacific Gas & Electric Co.
Pennsylvania Power & Light Co.
Public Service Electric & Gas Co.
Rochester Gas & Electric Corp.
Sacramento Municipal Utility District
Toledo Edison Co.
Wisconsin Public Service
Yankee Atomic Electric Co.