

February 9, 1999

MEMORANDUM FOR: William D. Travers Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:05 P.M., TUESDAY, FEBRUARY 9, 1999, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-98-266 - Final Rule - Requirements for Initial Operator Licensing Examinations

The Commission approved a final rule amending 10 CFR Part 55 to allow power reactor facility licensees to prepare the initial operator licensing examinations. The Commission voted to approve publication and implementation of this final rule subject to removing the restriction which precludes instructors from preparing questions related to those topics on which they provided instruction. The restriction should be revised to be consistent with the restrictions on requalification examinations which allow any instructor to prepare the initial operating examination as long as they refrain from teaching the applicants after starting work to prepare the examination.

Following incorporation of this change, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspend: 3/12/99)

The staff should continue to monitor examination results with particular attention to the potential for the level of difficulty between licensee-developed and NRC-developed examinations to diverge. While the differences could be attributed to higher standards by some licensees or decline in NRC examiner proficiency, the differences should be assessed and corrective action initiated, where warranted.

The Commission disapproved the proposed changes to the enforcement policy. Willful violations under this rule should be assessed in a manner similar to other willful violations, as provided for in the enforcement policy. In addition, the staff should reevaluate the proposed examples to determine if the examples cover the spectrum necessary to ensure consistent application of the enforcement policy and technical and regulatory significance have been appropriately considered. For example, the demarcation between escalated and non-escalated violations (non-willful) might be better placed at the point of license issuance rather than examination administration. The Commission should be provided the revised changes to the enforcement policy, along with the associated bases, for review prior to implementation by the staff.

(EDO)

(SECY Suspend: 3/26/99)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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