

October 24, 2003

MEMORANDUM TO: Ledyard Marsh, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Bruce Boger, Director  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

FROM: Farouk Eltawila, Director */RA/* by Farouk Eltawila  
Division of Systems Analysis and Regulatory Effectiveness  
Office of Nuclear Regulatory Research

SUBJECT: TRANSMITTAL OF REGULATORY GUIDANCE FOR ASSESSING  
EXEMPTION REQUESTS FROM THE NUCLEAR POWER PLANT  
LICENSED OPERATOR STAFFING REQUIREMENTS SPECIFIED IN  
10 CFR 50.54(m)

The purpose of this memorandum is to transmit draft guidance for assessing exemption requests from staffing requirements of 10CFR50.54(m) in the form of a draft NUREG and to suggest promulgating the guidance as a regulatory guide.

In a memorandum to me dated June 9, 2003, Bruce Boger indicated that the preferred vehicle to promulgate the guidance was through a NUREG referenced in the Standard Review Plan (SRP), Chapter 13.1.2-13.1.3, and requested assistance in preparing the SRP revision as well as the NUREG. The attached draft NUREG, "Regulatory Guidance for Assessing Exemption Requests from Nuclear Power Plant Licensed Operator Staffing Requirements Specified In 10CFR50.54(m)," dated September 2003, is the first part of the response to this request.

Since the attached draft NUREG will be referenced in a SRP revision, the NUREG will be disseminated to selected stakeholders and posted on our web site for comment. After incorporation of the comments, the attached guidance will be ready for ACRS and CRGR reviews along with the revised SRP. We will work with your staff to develop a schedule for the revision to the SRP, as well as assist in its development and the CRGR and ACRS reviews.

As part of the public comment, we will solicit comments on the viability of converting the draft NUREG to a Regulatory Guide be considered, since it does clarify a current regulation and would be a more appropriate vehicle for that purpose. The attached NUREG describes the process recommended for reviewing and making decisions on exemption requests from 10 CFR 50.54(m) and is the first of its kind in the nuclear industry in that it proposes a comprehensive approach to determining appropriate staff levels using sound human factors engineering principles. The guidance is based on function and task analyses and the

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anticipated role of the operator, given the concept of operations, as opposed to specifying a fixed number of licensed operators per site as is currently in 10 CFR 50.54(m), as such it is consistent with Commission direction to use performance-based approaches when feasible. This approach is a logical expansion of the approach in NUREG-0800, Chapter 18 of the Standard Review Plan; NUREG-0711, Rev. 1, Human Factors Engineering Program Review Model; and is consistent with a finding in NUREG/IA-0137, A Study of Control Room Staffing Levels for Advanced Reactors. Finally, a regulatory guide would also provide a stronger regulatory basis for reviewing staffing proposals.

We look forward to meeting with you and your staff to consider the recommendation of making this NUREG a regulatory guide and to continue working with your staff on the SRP revision.

Attachments:

- A. NUREG-XXXX, Regulatory Guidance for Assessing Exemption Requests from the Nuclear Power Plant Licensed Operation Staffing Requirements Specified in 10 CFR 50.54(m)
- B. Memorandum from BBoger to FEltawila dated June 9, "Review of Draft Regulatory Guidance and Analytical Technique for Assessing Nuclear Power Plant Control Room Staffing (10 CFR 50.54(m))

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