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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION ¹¹ APR 11 P3:57
BEFORE THE COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power)
Plant, Units 1 and 2))

Docket Nos. 50-275 O.L.
50-323 O.L.

JOINT INTERVENORS' RENEWAL OF
APPLICATION FOR STAY

On October 31, 1983 and March 20, 1984, the Joint
Intervenors requested a stay by this Commission of its expected
order reinstating the suspended Diablo Canyon Nuclear Power Plant,
Unit 1 ("Diablo Canyon") low power operating license.^{1/} For the
record, the Joint Intervenors now reaffirm their request and
supplement the basis for the request with significant new
information recently received by the Joint Intervenors.

As was evident at the March 27, 1984 Commission meeting,
one of the "area[s] that has been very high on the Commission's
agenda recently" (Tr. 165) is operator experience and qualification
for nuclear power plant applicants and licensees. Specifically, it

^{1/} More specifically, the Joint Intervenors have requested a
stay of the principal NRC decisions underlying the issuance of a
low power operating license for Diablo Canyon, as well as a stay of
the Commission's expected April 13, 1984 decision. See also
Letter, Joint Intervenors to Commission (March 22, 1984).

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has become increasingly apparent that certain facilities are being considered for licensing even in the absence of experienced personnel to operate the reactors consistent with the Commission's regulations. Despite this recent concern and the respective applicants' commitments to acquire sufficient experienced operators, deficiencies still remain at some facilities.

As the Commission meeting made clear, one of those facilities is Diablo Canyon. On March 27, 1984, the NRC Staff informed the Commission that significant deficiencies remained in the operator experience at Diablo Canyon:

MR. THOMPSON: The numbers for Diablo is there is no hot operating experience for their senior operators or their operators, although they have had and met the training requirements for obtaining ---

COMMISSIONER GILINSKY: When you say no hot operating experience, do you mean ---

MR. THOMPSON: On a similar type facility.

COMMISSIONER GILINSKY: As a licensed operator?

MR. THOMPSON: As a licensed operator, and/or a significant role at another utility.

COMMISSIONER GILINSKY: So, they don't meet that hot participation test, either?

MR. THOMPSON: They do not meet the six month hot participation test. They did comply with our requirements for observation training in order to take a license.

COMMISSIONER GILINSKY: What is the observation training?

MR. THOMPSON: The observation training, it is required that they observe the operations at a similar type facility for a period of up to two months, (Tr. 173-74.) (Emphasis added.)^{2/}

Nonetheless, the NRC Staff has recommended low power licensing, choosing to defer until after 5% power the resolution of this conceded lack of actual operating experience and relying apparently on "observation training" or simulator experience of the Diablo Canyon operators as an adequate substitute.

This approach is in clear violation of the explicit terms of the Commission's own regulations. 10 C.F.R. § 55.11 requires as a prerequisite to approval of an application for a reactor operator's license a Commission finding that, inter alia, "the applicant has passed a written examination and operating test as may be prescribed by the Commission. . . ." These requirements may be waived if the Commission finds that the applicant "[h]as had extensive actual operating experience at a comparable facility within two years prior to the date of application." 10 C.F.R. § 55.24. With respect to the use of a simulator as a substitute for an operating test, 10 C.F.R. § 55.25 is explicit:

The Commission may administer a simulated operating test to an applicant for a license to operate a reactor prior to its initial criticality if a written

^{2/} See also Letter, PGandE to Denton (March 16, 1984) (attached hereto as an exhibit), in which PGandE informed the NRC that the reactor operators or senior reactor operators at Diablo Canyon had no hot participation experience and virtually no comparable commercial reactor experience.

request by an authorized representative of the facility licensee is sufficient for the Commission to find that:

* * *

(b) The applicant has had extensive actual operating experience at a comparable reactor.

* * *

There is no dispute that no "extensive actual operating experience at a comparable reactor" exists at Diablo Canyon. Nor can there be any dispute that the observation or simulator training upon which the Staff seeks to rely is an adequate substitute. Indeed, the Commission's Office of General Counsel ("OGC") has recently issued a written interpretation (attached hereto as an exhibit) of 10 C.F.R. § 55.25(b) and has concluded that "the staff's interpretation . . . appears to contradict the plain meaning of the regulation." Memorandum, OGC to Commissioner Gilinsky, "Licensed Reactor Operator Examinations," at 1 (April 6, 1984). After reviewing the legislative history of the regulation, OGC concludes that "[n]o provision is made for simulator experience, equivalent experience, or comparable experience." Id. at 2.

The Joint Intervenors submit that this requirement, which recognizes the importance of actual operating experience as a prerequisite to issuance of a license, is critical to safe

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operation of a reactor and, in particular, of Diablo Canyon.^{3/} In the absence of qualified operators with valid licenses, the Commission cannot find (1) that the "facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission," or (2) that the "applicant is technically . . . qualified to engage in the activities authorized by the operating license in accordance with the regulations in this chapter." 10 C.F.R. § 50.57(a). Accordingly, until the Commission can make the findings required by its regulations regarding operator

^{3/} Commission Gilinsky has expressed clearly the significance of this deficiency and the NRC Staff's apparent intention to ignore it for low power operation:

You know, you would never launch a ship on this basis. You would never put a Navy ship out with no one who has ever operated a comparable plant and without people on there, you know -- first of all, I just don't think you would do it, period. And second of all, if you did, I can't imagine that you wouldn't examine the people you were relying on. (Commission Meeting Tr. 211 (March 27, 1984).)

* * *

You know we held this plant down for many years in order to be sure that its ability to withstand the worst earthquake was what it was supposed [sic] to be. That cost, I am sure, a billion dollars one way or another. Here we are talking about a relatively brief period of time, a far smaller amount of money, and something which is much more important and we are worried about a day here or a day there.

I think you are adjusting the approach to the schedule. (Id. at 225.)

qualification and experience, no license may legally be issued for Diablo Canyon.

For the reasons stated herein and previously in support of their Application for Stay, the Joint Intervenors respectfully request that the requested stay be granted.

Dated: April 10, 1984

Respectfully submitted,

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COPY

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March 16, 1984

PGandE Letter No.: DCL-84-096

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington D.C. 20555

Re: Docket No. 50-275, OL-DPR-76
Docket No. 50-323
Diablo Canyon Units 1 and 2
Experience of Operations Personnel

Dear Mr. Denton:

As requested by the NRC in a meeting on January 25, 1984, the enclosed tables provide detailed operating experience for the licensed operating personnel as well as the licensed and non-licensed Shift Technical Advisors for Diablo Canyon.

Kindly acknowledge receipt of this material on the enclosed copy of this letter and return it in the enclosed addressed envelope.

Sincerely,

J. O. Schuyler

by J. D. Shiffer

Enclosures

cc: D. F. Schnell (Union Electric)
H. L. Thompson (NRC)
Service List

OPERATING SHIFT EXPERIENCE

DATE March 16, 1984
 PLANT Diablo Canyon Unit 1
 UTILITY Pacific Gas and Electric
 O. L. DATE September 21, 1981

JOB TITLE Shift Foreman (SS)
 (NOTE 2)

NUCLEAR POWER PLANT EXPERIENCE
 FOR OPERATING SHIFT POSITION (NOTE 1)

ENTER DATA: MONTHS/MONTHS x WEIGHING FACTOR

TYPE OF EXPERIENCE	WEIGHING FACTOR	MAXIMUM CREDIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. SAME TYPE COMMERCIAL SRO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. OTHER COMMERCIAL SRO	0.75	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3. SAME TYPE COMMERCIAL RO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. OTHER COMMERCIAL RO	0.75	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5. NAVY (MILITARY) NUCLEAR (RO, EWS, EOW, PPWS) (OTHER)	0.50	36 MONTHS	0	36	45	0	41	30	0	0	0	0	0	0	0	0	0
6. SIMULATOR (REFERENCE PLANT) (SIMILAR)	0.25	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7. NUCLEAR PLANT EXPERIENCE ON SHIFT (OWN PLANT) (LESS THAN 1 1/2 YEARS PRIOR TO F.L.) (MORE THAN 1 1/2 YEARS PRIOR TO F.L.)	5.00	12 MONTHS	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75
8. LICENSED CLASSROOM TRAINING AND EXAM (OWN PLANT)	3.00	9 MONTHS	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25
9. PARTICIPATION AT OPERATING PLANT	0.75	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10. OTHER NUCLEAR PLANT EXPERIENCE	0.25	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11. CONDUCTING LICENSE TRAINING OR EQUIVALENT	0.25	9 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12. OTHERS (ENGINEERING, APPLIED SCIENCE (BACHELORS DEGREE) (ASSOCIATES DEGREE))		12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL NUCLEAR PLANT EXPERIENCE		6 MONTHS	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25	38.25
HOT PARTICIPATION EXPERIENCE			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

TIME > 20% PWR/BWR (No)

STARTUP & SHUTDOWN (No/No)

MONTHS ON SHIFT 0.0

NOTE 1: THE INSTRUCTIONS FOR USE OF NUCLEAR POWER PLANT EXPERIENCE FACTORS FOR OPERATING SHIFT POSITIONS WERE AGREE UPON BY THE UTILITY GROUP.

NOTE 2: INCLUDE ALL SHIFT SUPERVISORS (SS), SHIFT SENIOR REACTOR OPERATORS (SRO), REACTOR OPERATORS (RO) AND SHIFT TECHNICAL ADVISORS (STA)

[x]a. Shift advisors must be used to satisfy the "hot participation experience" of the utility plan.

[]b. Shift advisors will probably be required, at least for some shifts.

[]c. Do not plan to use shift advisors unless some unforeseen circumstances arise.

OPERATING SHIFT EXPERIENCE

DATE March 16, 1984
 PLANT Diablo Canyon Unit 1
 UTILITY Pacific Gas and Electric
 O. L. DATE September 21, 1981

JOB TITLE Shift Technical Advisor (STA)
 (NOTE 2)

NUCLEAR POWER PLANT EXPERIENCE
 FOR OPERATING SHIFT POSITION (NOTE 1)

ENTER DATA: MONTHS/MONTHS x WEIGHING FACTOR

TYPE OF EXPERIENCE	WEIGHING FACTOR	MAXIMUM CREDIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. SAME TYPE COMMERCIAL SRO	1.00	NO LIMIT	0	0	0	0	0	0	0	0							
2. OTHER COMMERCIAL SRO	0.75	NO LIMIT	0	0	0	0	0	0	0	0							
3. SAME TYPE COMMERCIAL RO	1.00	NO LIMIT	0	0	0	0	0	0	0	0							
4. OTHER COMMERCIAL RO	0.75	NO LIMIT	0	0	0	0	0	0	0	0							
5. NAVY (MILITARY) NUCLEAR (RO, EWS, EOW, PPWS)	0.50	36 MONTHS	49	25	18	36	0	22	0	25							
(OTHER)	0.25		24.5	12.5	9	18	0	11	0	12.5							
6. SIMULATOR (REFERENCE PLANT)	5.00	12 MONTHS	0.5	0.5	1.5	0.5	1.75	1.5	1.5	0.5							
(SIMILAR)	3.00	9 MONTHS	1.5	1.5	4.5	1.5	5.25	4.5	4.5	1.5							
7. NUCLEAR PLANT EXPERIENCE ON SHIFT (OWN PLANT; (LESS THAN 1 1/2 YEARS PRIOR TO F.L.))	0.75	24 MONTHS	0.75	0.75	10	0	3	15	4	0.75							
(MORE THAN 1 1/2 YEARS PRIOR TO F.L.)	0.50	12 MONTHS	0.56	0.56	5.25	0	1.5	8	2.25	0.56							
8. LICENSED CLASSROOM TRAINING AND EXAM (OWN PLANT)	0.50	9 MONTHS	8	8	9.75	5.6	10.4	10.5	4	8							
9. PARTICIPATION AT OPERATING PLANT	0.75	12 MONTHS	4	4	4.9	2.8	5.2	5.25	2	4							
10. OTHER NUCLEAR PLANT EXPERIENCE	0.25	12 MONTHS	0	0	0	0	2.3	3.75	1.8	0							
11. CONDUCTING LICENSE TRAINING	0.25	9 MONTHS	0	0	0	0	0	0	0	0							
12. OTHERS (ENGINEERING, APPLIED SCIENCE OR EQUIVALENT)		12 MONTHS															
(BACHELORS DEGREE)		12 MONTHS															
(ASSOCIATES DEGREE)		6 MONTHS	12	12	12	12	12	12	12	12							
TOTAL NUCLEAR PLANT EXPERIENCE			42.56	30.56	35.65	34.3	29.7	41.25	25.25	30.56							
HOT PARTICIPATION EXPERIENCE			NO	NO	NO	NO	NO	NO	NO	NO							

TIME > 20% PWR/BWR (No)

STARTUP & SHUTDOWN (No/No)

MONTHS ON SHIFT 0.0

NOTE 1: THE INSTRUCTIONS FOR USE OF NUCLEAR POWER PLANT EXPERIENCE FACTORS FOR OPERATING SHIFT POSITIONS WERE AGREE UPON BY THE UTILITY GROUP.

NOTE 2: INCLUDE ALL SHIFT SUPERVISORS (SS), SHIFT SENIOR REACTOR OPERATORS (SRO), REACTOR OPERATORS (RO) AND SHIFT TECHNICAL ADVISORS (STA)

[x]a. Shift advisors must be used to satisfy the "hot participation experience" of the utility plan.

[]b. Shift advisors will probably be required, at least for some shifts.

[]c. Do not plan to use shift advisors unless some unforeseen circumstances arise.

OPERATING SHIFT EXPERIENCE

DATE March 16, 1984
 PLANT Diablo Canyon Unit 1
 UTILITY Pacific Gas and Electric
 O. L. DATE September 21, 1981

JOB TITLE Senior Reactor Operator (SRO)
 (NOTE 2)

NUCLEAR POWER PLANT EXPERIENCE
 FOR OPERATING SHIFT POSITION (NOTE 1)

ENTER DATA: MONTHS/MONTHS x WEIGHING FACTOR

TYPE OF EXPERIENCE	WEIGHING FACTOR	MAXIMUM CREDIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. SAME TYPE COMMERCIAL SRO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0		
2. OTHER COMMERCIAL SRO	0.75	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0		
3. SAME TYPE COMMERCIAL RO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0		
4. OTHER COMMERCIAL RO	0.75	NO LIMIT	42	31.5	0	0	0	0	0	0	0	0	0	0	0		
5. NAVY (MILITARY) NUCLEAR (RO, EWS, EOW, PPWS) (OTHER)	0.50 0.25	36 MONTHS	0	0	0	0	0	0	0	0	91	0	57	132	0		
6. SIMULATOR (REFERENCE PLANT) (SIMILAR)	5.00 3.00	12 MONTHS 12 MONTHS 9 MONTHS	1.75 5.25	1.5 4.5	1.5 4.5	1.75 5.25	1.5 4.5	0.75 2.25	0.75 2.25	1.75 5.25	1.5 4.5	0.75 2.25	1.75 5.25	1.75 5.25	0.75 2.25		
7. NUCLEAR PLANT EXPERIENCE ON SHIFT (OWN PLANT) (LESS THAN 1 1/2 YEARS PRIOR TO F.L.) (MORE THAN 1 1/2 YEARS PRIOR TO F.L.)	0.75 0.50	24 MONTHS 12 MONTHS 12 MONTHS	108 24	114 24	100 24	86 24	77.5 24	38 18.75	33 18.75	58 24	45 24	39 18.75	45.75 24	66.8 24	39 18.75		
8. LICENSED CLASSROOM TRAINING AND EXAM (OWN PLANT)	0.50	9 MONTHS	18 9	12 6	14 7	10 5	6.5 3.25	9 4.5	9 4.5	14 7	11 6.5	9 4.5	2.25 1.125	5.2 2.6	9 4.5		
9. PARTICIPATION AT OPERATING PLANT	0.75	12 MONTHS	54 12	0.5 0.75	34 12	0	0	0	0	0	0	0	36 12	0	0		
10. OTHER NUCLEAR PLANT EXPERIENCE	0.25	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0		
11. CONDUCTING LICENSE TRAINING	0.25	9 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0		
12. OTHERS (ENGINEERING, APPLIED SCIENCE OR EQUIVALENT) (BACHELORS DEGREE) (ASSOCIATES DEGREE)		12 MONTHS 12 MONTHS 6 MONTHS	0	0	0	0	0	0	0	6	0	0	0	0	0		
TOTAL NUCLEAR PLANT EXPERIENCE			81.75	35.9	47.5	49.25	44.25	39.5	25.5	42.25	70.0	29.0	25.5	67.9	70.9		
HOT PARTICIPATION EXPERIENCE			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO		

TIME > 20% PWR/BWR (No)

STARTUP & SHUTDOWN (No/No)

MONTHS ON SHIFT 0.0

NOTE 1: THE INSTRUCTIONS FOR USE OF NUCLEAR POWER PLANT EXPERIENCE FACTORS FOR OPERATING SHIFT POSITIONS WERE AGREE UPON BY THE UTILITY GROUP.

NOTE 2: INCLUDE ALL SHIFT SUPERVISORS (SS), SHIFT SENIOR REACTOR OPERATORS (SRO), REACTOR OPERATORS (RO) AND SHIFT TECHNICAL ADVISORS (STA)

[x]a. Shift advisors must be used to satisfy the "hot participation experience" of the utility plan.

[]b. Shift advisors will probably be required, at least for some shifts.

[]c. Do not plan to use shift advisors unless some unforeseen circumstances arise.

OPERATING SHIFT EXPERIENCE

DATE March 16, 1984
 PLANT Diablo Canyon Unit 1
 UTILITY Pacific Gas and Electric
 O. L. DATE September 21, 1981

JOB TITLE Reactor Operator (RO)
 (NOTE 2)

NUCLEAR POWER PLANT EXPERIENCE
 FOR OPERATING SHIFT POSITION (NOTE 1)

ENTER DATA: MONTHS/MONTHS x WEIGHING FACTOR

TYPE OF EXPERIENCE	WEIGHING FACTOR	MAXIMUM CREDIT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. SAME TYPE COMMERCIAL SRO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. OTHER COMMERCIAL SRO	0.75	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3. SAME TYPE COMMERCIAL RO	1.00	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. OTHER COMMERCIAL RO	0.75	NO LIMIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5. NAVY (MILITARY) NUCLEAR (RO, EWS, EOW, PPWS) (OTHER)	0.50	36 MONTHS	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
6. SIMULATOR (REFERENCE PLANT) (SIMILAR)	0.25	12 MONTHS	2.5	5	7.5	10	12.5	15	17.5	20	22.5	25	27.5	30	32.5	35	37.5
7. NUCLEAR PLANT EXPERIENCE ON SHIFT (OWN PLANT) (LESS THAN 1 1/2 YEARS PRIOR TO F.L.) (MORE THAN 1 1/2 YEARS PRIOR TO F.L.)	5.00	12 MONTHS	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0
8. LICENSED CLASSROOM TRAINING AND EXAM (OWN PLANT)	3.00	9 MONTHS	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24
9. PARTICIPATION AT OPERATING PLANT	0.75	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10. OTHER NUCLEAR PLANT EXPERIENCE	0.25	12 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11. CONDUCTING LICENSE TRAINING OR EQUIVALENT (BACHELOR'S DEGREE) (ASSOCIATES DEGREE)	0.25	9 MONTHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12. TOTAL NUCLEAR PLANT EXPERIENCE			28.6	40.0	51.5	63.0	74.5	86.0	97.5	109.0	120.5	132.0	143.5	155.0	166.5	178.0	189.5
HOT PARTICIPATION EXPERIENCE			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

TIME > 20% PWR/BWR (No)

STARTUP & SHUTDOWN (No/No)

MONTHS ON SHIFT 0.0

NOTE 1: THE INSTRUCTIONS FOR USE OF NUCLEAR POWER PLANT EXPERIENCE FACTORS FOR OPERATING SHIFT POSITIONS WERE AGREE UPON BY THE UTILITY GROUP.

NOTE 2: INCLUDE ALL SHIFT SUPERVISORS (SS), SHIFT SENIOR REACTOR OPERATORS (SRO), REACTOR OPERATORS (RO) AND SHIFT TECHNICAL ADVISORS (STA)

[x]a. Shift advisors must be used to satisfy the "hot participation experience" of the utility plan.

[]b. Shift advisors will probably be required, at least for some shifts.

[]c. Do not plan to use shift advisors unless some unforeseen circumstances arise.



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

April 6, 1984

'84 APR -9 P2:15

MEMORANDUM FOR: Commissioner Gilinsky
FROM: James A. Fitzgerald *JAF*
Assistant General Counsel
SUBJECT: LICENSED REACTOR OPERATOR EXAMINATIONS

During the March 30, 1984 Commission briefing on a full-power operating license for WPPSS-2, you raised the question of whether the staff's interpretation of 10 CFR § 55.25(b) is consistent with the terms of that regulation.¹ Both during the briefing and in a letter dated April 3, 1984, you sought the views of the General Counsel. The staff's interpretation as stated in NUREG-0094, in our view, appears to contradict the plain meaning of the regulation.

10 CFR § 55.25(b), entitled "Administration of operating test prior to initial criticality," reads:

The Commission may administer a simulated operating test to an applicant for a license to operate a reactor prior to its initial criticality if a written request by an authorized representative of the facility licensee is sufficient for the Commission to find that:

(b) The applicant has had extensive actual operating experience at a comparable reactor.

In 1976 the Operator Licensing Branch, NRR, issued NUREG-0094, an NRC licensing guide entitled "A Guide for the Licensing of Facility Operators, Including Senior Operators." This guide was designed to revise and replace WASH 1094, the AEC licensing guide. Section XI of NUREG-0094, entitled "Administration of Operating Test Prior to Initial Criticality," defines what is meant in § 55.25(b) by the term "extensive actual operating experience at a comparable reactor." A June 28, 1976 letter from Ben C. Rusche, Director of NRR, to the Commissioners indicates that one of

¹Tr. 43-45.

Contact:
Carole F. Kagan, OGC
X41493

the revisions made was to define "extensive actual operating experience" to include "participation in training programs that utilize nuclear power plant simulators."²

Commissioner Gilinsky pointed out during the March 30, 1984 Commission briefing that this interpretation of § 55.25(b) seems to be inconsistent with the plain meaning of the regulation,³ which calls for actual, not simulator, operating experience. Mr. Thompson of NRR explained that the staff had used the NUREG-0094 guidelines since their promulgation, and considered simulator experience adequate to ensure safe plant operation.

A brief review of the legislative history of § 55.25(b) yields nothing that would contradict the plain meaning of the regulation. The Statement of Consideration for the promulgation of § 55.25 states that § 55.25 was added to Part 55 to provide for the administration of an operating test "provided the conditions stated in the section are met." 26 Fed. Reg. 9654 (Oct. 12, 1961). The condition stated in § 55.25(b) is "actual operating experience" (emphasis added). No provision is made for simulator experience, equivalent experience, or comparable experience.

A provision similar to § 55.25(b) is contained in § 55.24(a). Under that section, the "extensive actual operating experience," within two years of application, can contribute to the basis for waiver of any or all of the written examinations and operating test. It is interesting to note that when read in light of Section X of NUREG-0094 and § 55.24(b) this phraseology contemplates hands-on operating experience rather than some substitute.

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
SECY
CPE
EDO
ELD

²SECY-76-341, June 28, 1976, Enclosure 1.

³Tr. 43-45.

⁴Tr. 44-45.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

DOCKETED
USNRC

'84 APR 11 P3:57

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
)

PACIFIC GAS AND ELECTRIC COMPANY)

Docket Nos. 50-275 O.L.
50-323 O.L.

(Diablo Canyon Nuclear Power)
Plant, Units 1 and 2))
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 1984, I have served copies of the foregoing JOINT INTERVENORS' RENEWAL OF APPLICATION FOR STAY, mailing them through the U.S. mails, first class, postage prepaid, to the attached list.

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