



August 13, 1985

JACKET NUMBER  
PROPOSED RULE **PR-5055**  
(49 FR 46428)

DOCKETED  
USNRC

'85 AUG 13 P4:00

OFFICE OF SECURITY  
DOCKETING & SERVICE  
BRANCH

*See Comment nos. 3/ and 75*

KMC, Inc.  
801 18TH STREET, NW  
SUITE 300  
WASHINGTON, D.C. 20006  
(202) 293-4200

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

SUBJECT: Comments Pertaining to Operator's Licenses and  
Confirming Amendment, Proposed Rule (49 FR 46428, 26  
November 1984) and Related Regulatory Guides 1.8, 1.134  
and 1.149.

Dear Sir:

KMC, Inc., and the 20 utilities who form the Qualification of Reactor Operators (QRO) Utility Group filed comments on the subject documents on February 25, 1985, and March 15, 1985. Our continuing review of the proposed rule has prompted us to submit the following additional comment for your consideration.

In the proposed rule, Section 55.57(b), "Renewal of Licenses" states, in part, "The license will be renewed if the Commission finds that the licensee has successfully completed an annual requalification program -- as required by Section 55.59." If a very literal interpretation of Section 55.57 were pursued, such that this finding could not be made, the license could not be renewed unless the licensed individual requests, and the Commission grants, a specific exemption pursuant to Section 55.11. We believe that this situation could arise on numerous occasions, when licensed individuals will not be able to complete all of the portions of the annual requalification program, as described in the updated safety analysis report and derivative procedures, due to reasons beyond their control or the control of facility management. For example, an individual could miss a scheduled lecture due to illness. Hence, the individuals, facility management and the Commission will be required to deal with a large number of exemptions with the additional legal and administrative burdens required to request and approve these exemptions.

We believe that Section 55.57 should be modified to permit the Commission to renew licenses for individuals who have not successfully completed the annual requalification programs when the application for renewal contains information detailing those

8508160180 850813  
PDR PR  
50 49FR46428 PDR

Acknowledged by card. *AUG 14 1985*

portions not completed and the remedial actions in effect or planned to compensate for the deficiency. The Commission has this flexibility under the present regulation.

Section 55.33, Renewal of Licenses states, in part, "If the requirements of this section are not met, the Commission may require the applicant for renewal to take a written examination or an operating test or both" prior to renewal of the license. Indeed, in a letter to all facility licensees and applicants (dated December 9, 1977) the Commission indicated that if a licensed individual did not complete all portions of the requalification programs, he was not automatically subject to an NRC re-examination. The letter also indicated that sufficient information had to be submitted in the application for the Commission to make a determination regarding re-examination based on the facts presented.

We recommend that the following changes be made to Section 55.57:

(a)(4)

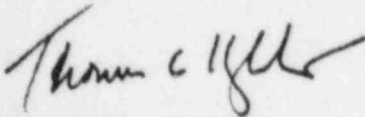
Add: If portions of the annual requalification program have not been completed, the statement should indicate the portions not completed and the remedial actions instituted or planned to compensate for these deficiencies.

(b)(2)(ii)

Add: The licensee has successfully completed an annual requalification program or if portions were not completed, an acceptable remedial program is in effect or planned to compensate for the deficiencies --.

We do not mean to suggest that the facility administration of their requalification program should be casual nor that the Commission be less than diligent in assuring participation in requalification programs. However, we believe that some flexibility is necessary.

Sincerely,



Paul F. Collins  
Senior Associate

cc: W. Russell  
B. Boger