

2130-03-20154

May 30, 2003

U.S. Nuclear Regulatory Commission
Attn: Director, Nuclear Reactor Regulation
Washington, DC 20555

Oyster Creek Generating Station
Facility Operating License No. DPR-16
Docket No. 50-219

Subject: Request for Exemption From 10 CFR 55.59 Licensed Operator Requalification Program Schedule Requirements (TAC NO. MB9127)

In accordance with 10 CFR 55.11, AmerGen Energy Company, LLC, requests a one-time schedular exemption from the requirements of 10 CFR 55.59(c)(1) which requires that Oyster Creek Generating Station have a licensed operator requalification program that is conducted for a continuous period not to exceed two years. As part of the requalification program, each licensed operator shall pass a comprehensive requalification written examination and an annual operating test.

The current licensed operator requalification program at Oyster Creek was originally scheduled to be completed by June 30, 2003, with the last 5-week cycle during the period May 26 through June 27 involving the comprehensive requalification written examinations and annual operating tests. However, on May 22, 2003, bargaining unit personnel at the site, which include Reactor Operator licensed personnel, walked out on strike. Senior Reactor Operator licensed personnel are filling the Reactor Operator vacancies and continuing to operate the plant in accordance with Oyster Creek's strike contingency plan. As a result of the strike, Reactor Operator licensed personnel are not available to complete the written examinations and their absence prevents normal crew participation in the annual operating tests. In addition, examination and testing at this time of only the Senior Reactor Operator licensed personnel would present a significant scheduling challenge and a distraction to operating the plant.

Since the current strike by the bargaining unit is ongoing, and its duration is unknown, an exemption from the requirements of 10 CFR 55.59(c)(1) is requested to extend the Oyster Creek licensed operator requalification program, including both the comprehensive requalification written examinations and the operating tests, for a period up to 90 days following resolution of the strike but not to exceed six (6) months from the end of the current requalification program, i.e., December 31, 2003. This request applies to both Reactor Operator and Senior Reactor Operator licensed personnel. Subsequent requalification programs will maintain the current July through June schedule.

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At the time of the strike, all licensed personnel were current in all requirements of the requalification program.

The attachment to this letter provides a detailed description and analysis of this exemption request which concludes, as required by 10 CFR 55.11, that this exemption will not endanger life or property and is otherwise in the public interest.

AmerGen requests approval of this exemption by June 30, 2003, the scheduled end of the current licensed operator requalification program.

If you have any questions or require additional information, please contact Glenn Stewart, Licensing, at 610-765-5529.

Sincerely,



Michael P. Gallagher
Director, Licensing and Regulatory Affairs
AmerGen Energy Company, LLC

Attachment

cc: H. J. Miller, Administrator, USNRC Region I
P. S. Tam, USNRC Senior Project Manager, Oyster Creek
S. Dennis, USNRC Senior Resident Inspector, Oyster Creek
File No. 03065

Request for Exemption From 10 CFR 55.59 Licensed Operator Requalification Program Schedule Requirements

Requested Exemption and Circumstances Leading to the Request

In accordance with 10 CFR 55.11, AmerGen Energy Company, LLC requests a one-time schedular exemption from the requirements of 10 CFR 55.59(c)(1) concerning the licensed operator requalification program at Oyster Creek Generating Station. 10 CFR 55.59(c)(1) requires that a facility licensee shall have a requalification program that must be conducted for a continuous period not to exceed two years. As part of the requalification program, each licensed operator shall pass a comprehensive requalification written examination and an annual operating test.

Licensed personnel are normally organized into five shift operating crews. The five shift operating crews rotate in turn through the various work and training periods. The current licensed operator requalification program at Oyster Creek was scheduled to conclude at the end of June, 2003. The required comprehensive requalification written examinations and annual operating tests were scheduled during the last 5-week requalification program cycle, i.e., during the period May 26 through June 27. However, on May 22, 2003, bargaining unit personnel at the site, which include Reactor Operator licensed personnel, walked out on strike. Senior Reactor Operator licensed personnel are filling the Reactor Operator vacancies and continuing to operate the plant in accordance with Oyster Creek's strike contingency plan. As a result of the strike, Reactor Operator licensed personnel were not available to complete the written examinations scheduled during the week of May 26, 2003. Continuation of the strike will similarly affect written examinations in the following weeks. Reactor Operator absence also prevents normal crew participation in the annual operating tests. Examination and testing at this time of only the Senior Reactor Operator licensed personnel would present a significant scheduling challenge and a distraction to operating the plant.

Since the current strike by the bargaining unit is ongoing, and its duration is unknown, an exemption from the requirements of 10 CFR 55.59(c)(1) is requested to extend the Oyster Creek licensed operator requalification program, including both the comprehensive requalification written examinations and the operating tests, for a period up to 90 days following resolution of the strike but not to exceed six (6) months from the end of the current requalification program, i.e., December 31, 2003. This request applies to both Reactor Operator and Senior Reactor Operator licensed personnel. Subsequent requalification programs will maintain the current July through June schedule.

AmerGen requests approval of this exemption by June 30, 2003, the scheduled end of the current licensed operator requalification program.

Basis For the Requested Exemption

The criteria for granting specific exemptions from 10 CFR 55 regulations are stated in 10 CFR 55.11. In accordance with 10 CFR 55.11, the NRC is authorized to grant an exemption upon determining that the exemption is authorized by law and will not endanger life or property and is otherwise in the public interest. The information provided below supports these criteria.

At the time of the strike, all licensed personnel met requalification program requirements and had completed all portions of the biennial requalification program except the examination cycle during the period May 26 through June 27 that was suspended. All Senior Reactor Operator personnel standing shift positions had proficiency verified as part of the site strike contingency plan. These licensed personnel also received just-in-time training for a recent plant startup completed during the strike.

If the strike continues past June 30, the requalification program will be resumed in a modified form for licensed personnel continuing to operate the plant. The modified requalification program will be systematically developed and appropriate for the plant conditions. The program is planned to be approximately one day duration in each requalification training cycle of approximately 5 weeks and based principally on maintaining skill proficiency in the simulator. When the strike is resolved, licensed personnel who have been off shift will receive necessary information, training, and evaluation before resuming licensed duties. Listed below are some example situations based on the possible duration of the strike.

Situation 1

If bargaining unit personnel return to work before June 30, the Reactor Operators will re-join shift crews and undergo an extended turnover before resuming licensed duties. The established shift crews will then take their comprehensive requalification written examinations and annual operating tests during the subsequent 5-week requalification cycle which will extend beyond June 30.

Situation 2

If bargaining unit personnel return to work after June 30, Reactor Operators will receive training and be evaluated before rejoining shift crews. This training and evaluation may take up to five weeks. During this training and evaluation, the Senior Reactor Operator licensed personnel will continue to operate the plant. Upon rejoining shift crews, the Reactor Operators will undergo an extended turnover before resuming licensed duties. The re-established shift crews will then take their comprehensive requalification written examinations and annual operating tests during the subsequent 5-week requalification cycle.

Situation 3

If bargaining unit personnel are out on strike for an extended period of time such that the Reactor Operators are unable to meet the active license requirements of 10 CFR 55.53(e) for the third quarter of 2003, then AmerGen will discuss our plans for maintaining full compliance with the requalification program requirements with the NRC at that time.

In any case, licensed personnel operating the plant will continue to receive appropriate requalification training. Returning operators will receive continuing or make-up requalification training and satisfy watchstanding requirements, as necessary, prior to resuming licensed duties. All licensed operators will complete the required comprehensive requalification written examinations and operating tests in a timely manner after the strike is resolved and normal operating crews are re-established. Therefore, this extension of the requalification program will not have an impact on licensed operator qualifications, and will allow Oyster Creek to continue with safe plant operations without undue hardship to plant personnel and Oyster Creek licensed operators.

Based on the information provided above, this one-time exemption from the licensed operator requalification program schedule requirements of 10 CFR 55.59 will not endanger life or property and is otherwise in the public interest.

Environmental Assessment

In accordance with 10 CFR 51.30, "Environmental assessment," and 10 CFR 51.32, "Finding of no significant impact," the following information is provided in support of an environmental assessment and finding of no significant impact for the proposed action.

The proposed action would grant an exemption from the schedule requirements of 10 CFR 55.59(c)(1). The requested exemption would allow for a one-time extension of the licensed operator requalification program, including the comprehensive requalification written examinations and annual operating tests, for a period not to exceed six months from the end of the current requalification program which is scheduled to conclude by the end of June, 2003.

The proposed action of granting the exemption will not increase the probability or consequences of accidents, no changes are being made in the types or quantities of any radiological effluents that may be released offsite, and there is not significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological impacts associated with the proposed action.

The environmental impacts of the proposed action and any alternative action are similar.

Based on the assessment above, the proposed action will not have a significant effect on the environment.