

February 16, 2005

RI-2002-A-0135

Mr. Christopher M. Crane
President and CEO
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Dear Mr. Crane:

On November 27, 2002, the Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation (Case No. 1-2002-045) to determine whether a Shift Manager at Oyster Creek deliberately violated operating procedures listed in Appendix B of the site Environmental Technical Specifications on September 23, 2002. Specifically, on September 23, 2002, the Shift Manager allowed all thermal dilution pumps to be shut down in support of a planned outage, in violation of the Environmental Technical Specifications. The shutdown caused increased water temperatures in the discharge canal, which killed several thousand fish. This resulted in a violation of the site New Jersey Pollutant Discharge Elimination System (NJPDES) permit. The intent of the OI investigation was to determine whether the Shift Manager deliberately violated the terms of his/her NRC Senior Reactor Operator (SRO) license.

During the investigation, OI reviewed the documentation related to the event, including an internal licensee investigation of this matter. OI also interviewed personnel involved in or who had knowledge of the decision to shut off the thermal dilution pumps, including the Shift Manager. At the time, preparations were being made for a work activity that required that the thermal dilution pumps be shut off. The Shift Manager was reminded of the permit requirements and the permit and applicable procedures were discussed by the involved parties prior to taking the action. However, these discussions resulted in an apparent misinterpretation of the permit requirements, and the ultimate action to shut off the thermal dilution pumps. While in hindsight, better communication, solicitation of a more detailed assessment of the permit requirements, and better judgement could have averted the action, the investigation did not identify any apparent motivation on the part of the Shift Manager to deliberately violate the procedures, nor was there evidence of any pressure on the Shift Manger to finish the work more quickly. Based upon evidence developed during this OI investigation, along with that presented in the licensee's internal investigation of this matter, the NRC did not substantiate that the Shift Manager deliberately violated applicable procedures in this instance.

Please note that final NRC investigation documents, such as the OI report discussed above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions regarding this letter, please feel free to contact Mr. P. Eselgroth of my staff at (610) 337-5234.

Sincerely,

/RA/
Holian for

A. Randolph Blough, Director
Division of Reactor Projects

Enclosure:
10 CFR 9.23, Requests for Records

Distribution:

F. J. Congel, OE

D. Vito, SAC

ADAMS (Docket Nos. 50-219)

D. Screnci, PAO

Region I Docket Room (w/concurrences)

SISP Review Complete: PWE (Reviewer's Initials)

DOCUMENT NAME: g:\alleg\licensee\20020135lic.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	ORA/SAC	DRP/RPB7	ORA/RC	OI:RI/FOD	DRP/DD
NAME	DVito/qtn	PEselgroth	KFarrar	Wilson/Teator	ABlough
DATE	02/16/2005	2/8/2005	1/26/2005	1/27/2005	2/16/2005

OFFICIAL RECORD COPY