OYSTER CREEK STRIKE MONITORING ACTIVITIES - UPDATED 8/7/03

(New info is **BOLD**)

Overview

The Oyster Creek strike is into it's third month, now at day **77**. A great deal of progress has been made during negotiating discussions this week The next meeting is scheduled for August 4, 2003. All control room operator positions are being staffed with current SROs, using a three crew, 12-hour/shift schedule. The operators remain on a "4 on 2 off" shift rotation. Other departments (maint., I&C, Rad Pro) have gone to a "5 - 10 hour day" schedule with weekends off. EP and Fire Brigade staffing are still being maintained at proper levels on back shifts and weekends.

As of 7/31/03, 13 non-licensed operators, 2 chemistry technicians and four clerks have crossed the picket line to rejoin the plant workforce. **Although there were strong rumors that an additional 15 staff would return to work on August 4, including 10 non-licensed operators and 5 licensed operators, no additional union members have crossed the picket line since 7/31/03.**

Modified requal training for the SROs, as well as initial fire brigade training for on-site staff have been initiated with NRC direct observation of the licensed operator requalification training. The return of the 13 non-licensed operators and the completion of initial fire brigade training for on-site staff has allowed the operations department to commence scheduling leave for the senior licensed operators who have been working since the strike began, as well as facilitated increasing the requalification training, so that evaluative training has commenced. This leave schedule has reduced some burden on the operating staff.

The resident inspectors are working a normal, first-forty schedule with weekend and backshift coverage for significant plant evolutions or emergent work. DRS has provided support in observing the modified licensed operator requalification training. Region I senior management continue to discuss site performance observations on a weekly basis and have had frequent site visits (about every two weeks).

Current Overall Assessment

Today is day 77 of the strike. The most recent negotiating session resulted in significant progress toward settlement. Most of the 19 disputed elements in the contract have been successfully agreed upon. The state mediator has asked both parties to take several days off to consider various options on the remaining points and has scheduled the next meeting for Monday, August 4. **On August 4, 2003, the union leadership agreed to take the latest AmerGen contract offer back to the union members for a vote. The vote is taking place today, August 7, 2003 from 7am to 7pm. The results will be communicated as soon as available.**

The inspectors have noted no issues indicating fatigue or lack of knowledge. The inspectors and regional management spoke to numerous engineering, maintenance, and ops staff and none have expressed that fatigue is a concern at this time.

There have been no significant performance issues identified by either NRC or company oversight since the normal staff went on strike. No PMs or required STs have been missed. In addition, the station management have been exceeding planned work-off goals for all station

work backlogs. Company management are well aware that some activities have been delayed or deferred and they have committed to conducting an aggregate impact evaluation to ensure that the decision to delay certain activities was appropriate.

The resident inspectors have the following concerns:

(1) Fatigue - while there's been no evidence of fatigue and considering that some leave schedule has occurred, we are still concerned that fatigue may lead to human errors. The residents will continue to closely monitor performance for evidence of fatigue. The plant has been relying upon a supplement of staff of about 30 people from Peach Bottom, Limerick, and TMI to assist the plant management and professional staff in maintaining operations. Many of these individuals will be needed at their normal sites during the fall to support planned refueling outages. The residents are concerned that if a settlement is not reached prior to end of September, that Exelon will have to provide and train additional supplemental support staff to replace the current staff. This action could increase the probability of knowledge or fatigue-based errors if not managed appropriately.

(2) LORT - (a) Modified Requal training for the on-site SROs has been observed by both resident and DRS staff. The training appears effective, although some individual performance weaknesses have been identified. The inspectors have agreed that remediation actions taken for these individuals was appropriate. (b) The resident inspectors have reviewed the draft training program to be implemented for operations staff once the strike ends. The ROs will have to stand 40 hour proficiency watch - currently they are planning to complete this by assigning 3 ROs/shift. This is an unusual condition, since normally proficiency watch is conducted one-on-one and typically involves a single individual at a time. (c) If striking operators do not return before October, Exelon will need to gain additional exemption from the LORT requirements (currently extended to 12/31/03) for those ROs. The plant would still intend to use these ROs on shift prior to completing the examination process as long as all proficiency and requal training is up to date.

(3) CAP Backlog - an action request backlog and CAP response backlog is slowly building due to the shuffling of engineering personnel to support operations and maintenance. The backlog has not yet manifested itself into any significant issues. Exelon management are aware of this and other delayed/deferred work, which will be evaluated for the impact to the station. DRS will conduct a mini-PI&R review on August 11 and 18 to evaluate the CAP use.

(4) EP - the resident and regional inspectors observed portions of a emergency preparedness practice drill on July 30. No significant weaknesses were observed and JIC performance was improved. FEMA has had some difficulty in resolving scenario comments for the upcoming evaluated exercise in September. R. Bores and N. McNamara have been coordinating resolution of this concern. The State of NJ DEP has not allowed its union employees from crossing the strike line. If the strike continues through the exercise date, Exelon legal has determined that the rented facility used for the EOF/JIC could be picketed by the IBEW. In that case its not clear whether responding state personnel would be permitted access to the EOF/JIC. **The inspectors observed portions of the practice drill on August 6, 2003 and determined that performance was similar to that on July 30, 2003. No significant weaknesses were observed. The exercise was also observed by several Exelon/AmerGen senior managers, and they determined that improvements were still needed in the JIC, particularly in the media center lead role. The Exelon managers have decided that for now, Ernie Harkness (Site VP) will fill that role, and additional <u>JIC only</u> practice**

session(s) with state participation will take place prior to the annual exercise on September 9, 2003. The date(s) of the practice session(s) are not yet known.

(5) ~~Re-integration - the resident inspectors have not reviewed the re-integration plan~~. **The resident inspectors have begun to review the reintegration plan.** We are concerned about a possible problem with merging the management and union staff following such a costly labor action. **Resident inspectors have developed a reintegration inspection plan (currently under review) to be implemented when the strike is settled.**