



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

July 22, 2011

Mr. Michael J. Massaro
Vice President
Oyster Creek Nuclear Generating Station
Exelon Nuclear
Route 9 South
P.O. Box 388
Forked River, NJ 08731

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION
LICENSED OPERATOR REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Massaro:

The Nuclear Regulatory Commission (NRC) received a letter from you dated June 30, 2011 regarding a Notification of Change in Operator Status. The attachments to the letter provided information about one of your licensed reactor operators who was arrested for driving under the influence (DUI) on April 4, 2011. Although we have obtained preliminary information from your staff, this letter is a formal request for information pertaining to this occurrence.

NRC regulations in 10 CFR 55.53(j) prohibit licensed operators from performing activities authorized by a license while under the influence of alcohol or other substances that could adversely affect their ability to safely and competently perform licensed duties. In addition, you should be aware of the provisions of 10 CFR Part 26.63. This section of the NRC's regulations requires licensees to complete a "suitable inquiry" to determine, among other things, if a person tested positive for alcohol in the past. If a person has tested positive for alcohol in the past, additional requirements are imposed by 10 CFR 26.63.

By providing the June 30, 2011, letter and attachments you have complied with the requirements of 10 CFR 55.21, 55.25, and 55.33(a)(1). We have received your information only notification documented on NRC Form 396, which was signed on June 24, 2011. You should ensure that: (1) the operator meets the general health requirements of ANSI/ANS-3.4-1983; (2) the operator does not have a disqualifying condition under Section 5.3 of that standard; and (3) that documentation describing the designated physician's conclusion that the operator meets or does not meet the requirements of ANSI/ANS-3.4-1983 is available for review by the NRC. If a conditional license is requested per 10 CFR 55.25, that condition should be documented on NRC Form 396 and transmitted to the NRC.

If you determine that the operator no longer meets the medical qualifications described in 10 CFR 55.33(a)(1), then, in accordance with 10 CFR 55.25, you must notify the NRC via a letter of the operator's permanent incapacitation. You must also notify the NRC, in accordance with 10 CFR 55.55(a), if you determine, based on your employee assistance program in consultation with your designated physician, that the operator can no longer meet the medical criteria of ANSI/ANS-3.4-1983 and will, therefore, no longer need to maintain a license.

M. J. Massaro

2

Please provide, within 30 days after the date of this letter, answers to the questions listed in the enclosure and other records and information on this operator's fitness-for-duty that are relevant to this occurrence. We request that any personal, proprietary, or safeguards information in your response be contained in a separate enclosure and appropriately marked. The affidavit required by 10 CFR 2.390(b) must accompany your response, where applicable.

The NRC will evaluate the information in your reply to this letter to determine if further action is warranted pursuant to 10 CFR Part 50 or Part 55. The information supplied will be maintained in NRC Privacy Systems of Records-16 and will be subject to the Privacy Act.

If you have any questions concerning this matter, please contact Mr. Donald Jackson, Chief, Operations Branch, (610) 337-5000. The requested information should be sent to Mr. Jackson's attention at the NRC Region I Office, 475 Allendale Road, King of Prussia, PA 19406-1415. Your cooperation is appreciated.

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

Sincerely,


Christopher G. Miller, Director
Division of Reactor Safety

Docket No. 50-219
License No. DPR-16

Enclosure:
Fitness-for-Duty Request for Additional Information

cc w/Enclosure: Distribution via ListServ

Please provide, within 30 days after the date of this letter, answers to the questions listed in the enclosure and other records and information on this operator's fitness-for-duty that are relevant to this occurrence. We request that any personal, proprietary, or safeguards information in your response be contained in a separate enclosure and appropriately marked. The affidavit required by 10 CFR 2.390(b) must accompany your response, where applicable.

The NRC will evaluate the information in your reply to this letter to determine if further action is warranted pursuant to 10 CFR Part 50 or Part 55. The information supplied will be maintained in NRC Privacy Systems of Records-16 and will be subject to the Privacy Act.

If you have any questions concerning this matter, please contact Mr. Donald Jackson, Chief, Operations Branch, (610) 337-5000. The requested information should be sent to Mr. Jackson's attention at the NRC Region I Office, 475 Allendale Road, King of Prussia, PA 19406-1415. Your cooperation is appreciated.

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

Sincerely,

/RA by Peter R. Wilson for/

Christopher G. Miller, Director
Division of Reactor Safety

Docket No. 50-219
License No. DPR-16

Enclosure:
Fitness-for-Duty Request for Additional Information

cc w/Enclosure: Distribution via ListServ

Distribution w/Enclosure

J. McHale, Chief, NRR/DIRS/IOLB
W. Dean, RA
D. Lew, DRA
D. Holody, RI, OE
C. Miller, RI/DRS/D
P. Wilson, RI/DRS/DD
S. Hansell, RI/DRS/OB
D. Jackson/RI
C. Bixler, RI/DRS/OB (with concurrences)

SUNSI Review Complete: SLH (Reviewer's Initials)

ADAMS Pkg. No.: ML111960026 ADAMS No. ML112091001

DOCUMENT NAME: G:\DRS\Operations Branch\BIXLER\FitnessforDuty\FFD_OC\FFD055-63215.docx

After declaring this document "An Official Agency Record," it will be released to the Public.

| | | | | |
|--------|--------------|----------------|-----------------|--|
| OFFICE | RI/DRS/OB | RI/DRS/OB | RI/DRS | |
| NAME | CBixler/CJB* | SLHansell/SLH* | CMiller/PRW for | |
| DATE | 07/15/11 | 07/20/11 | 07/22/11 | |

OFFICIAL RECORD COPY

ENCLOSURE

Licensed Operator
Fitness-for-Duty Request for Additional Information

Oyster Creek Generating Station is requested to provide the following information concerning the fitness-for-duty occurrence of April 4, 2011, regarding the involved licensed operator:

1. Name, Docket Number, and responsibilities of the operator.
2. A summary of the operator's entire fitness-for-duty testing history. Please include the dates and times the operator was tested, the reasons for the tests (i.e., random, for-cause, or follow-up), the results of the tests, including quantification, and the dates that any tests were confirmed positive.
3. Whether the operator used, sold, or possessed illegal drugs. If so, please provide the details of the circumstances surrounding such use, sale, or possession.

OR

Whether the operator consumed alcoholic beverages within the protected area. If so, please provide the details of the circumstances surrounding such consumption.

4. Whether the operator was at the controls or supervising licensed activities while under the influence of illegal drugs or alcohol. If so, please provide the details of the operator's performance of licensed duties while under the influence.
5. Whether the operator fulfilled a position that was required to meet minimum licensed operating staffing requirements (fire brigade, emergency plan operations, etc.) while under the influence.
6. Whether the operator was involved in procedural errors related to this occurrence. If so, please provide the details of the procedural errors and the consequences of the errors.
7. The extent to which you reviewed the operator's past work history, both on the day of the occurrence and prior to April 4, 2011.
8. Your intentions with regard to the operator's resumption of duties under the 10 CFR Part 50 and Part 55 licenses, including your plans for follow-up testing.