



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 23, 2018

Mr. G. T. Powell  
President and CEO/CNO  
STP Nuclear Operating Company  
South Texas Project  
P.O. Box 289  
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 - DENIAL OF REQUEST FOR EXEMPTION FROM 10 CFR 55.47, "WAIVER OF EXAMINATION AND TEST REQUIREMENTS" (EPID L-2018-LLE-0005)

Dear Mr. Powell:

By letter dated March 8, 2018, as supplemented by letter dated May 21, 2018, STP Nuclear Operating Company (STPNOC, the licensee) requested an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Section 55.47, "Waiver of examination and test requirements," in accordance with 10 CFR 55.11, "Specific exemptions." The requested exemption would allow an individual, who had previously been a licensed reactor operator at the South Texas Project, Units 1 and 2 (STP), to be considered for a waiver of certain operator licensing requirements in order to be relicensed at STP.

The NRC staff has determined that STPNOC has not met the requirements for an exemption per 10 CFR 55.11 and has, therefore, denied the exemption request. The NRC staff basis for the denial of the exemption request is provided in the enclosure to this letter.

If you have any questions, please contact the STP Project Manager, Lisa Regner, at 301-415-1906 or via e-mail at [Lisa.Regner@nrc.gov](mailto:Lisa.Regner@nrc.gov).

Sincerely,

A handwritten signature in black ink that reads "Craig G. Erlanger".

Craig G. Erlanger, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosure:  
Basis for Denial of Request  
for Exemption

cc: Listserv



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NUCLEAR REGULATORY COMMISSION  
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OFFICE OF NUCLEAR REACTOR REGULATION

BASIS FOR DENIAL OF REQUEST FOR EXEMPTION FROM 10 CFR 55.47,

"WAIVER OF EXAMINATION AND TEST REQUIREMENTS"

STP NUCLEAR OPERATING COMPANY

SOUTH TEXAS PROJECT, UNITS 1 AND 2

DOCKET NOS. 50-498 AND 50-499

By letter dated March 8, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18129A131), as supplemented by letter dated May 21, 2018 (ADAMS Accession No. ML18142A226), STP Nuclear Operating Company (STPNOC, the licensee) requested an exemption in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 55.11, "Specific exemptions," from the requirements of 10 CFR 55.47, "Waiver of examination and test requirements."

Specifically, the licensee requested a waiver of the written examination and operating test requirements for a former South Texas Project, Units 1 and 2 (STP), reactor operator as allowed by 10 CFR 55.47, and also an exemption from 10 CFR 55.47(a)(1), which specifies that the written examination and operating test may be waived if the U.S. Nuclear Regulatory Commission (NRC) determines that the applicant has had extensive actual operating experience at a comparable facility within two years before the date of application. The licensee stated that the basis for the exemption from 10 CFR 55.47 included the applicant's self-study, one-on-one instruction, examinations, and 120 hours performing as a non-licensed operator under the supervision of licensed operators and the performance of other on-shift functions. Additionally, the licensee stated that due to increased attrition of licensed reactor operators over the past several years, the addition of this individual would ease overtime and provide watch rotation flexibility.

The regulation at 10 CFR 55.11 states:

The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.

Thus, the licensee must show that the requested exemption from 10 CFR 55.47 is (1) authorized by law, (2) will not endanger life or property, and (3) is otherwise in the public interest.

Enclosure

The licensee requested the exemption because the individual does not meet the 2-year eligibility requirement in 10 CFR 55.47 to apply for a waiver of the requirements for a written examination and operating test. Specifically, 10 CFR 55.47(a) states, in part:

On application, the Commission may waive any or all of the requirements for a written examination and operating test, if it finds that the applicant –

(1) Has had extensive actual operating experience at a comparable facility, as determined by the Commission, within two years before the date of application....

In this instance, the individual last operated the controls of a nuclear power plant as a licensed reactor operator at STP on August 5, 2015. The individual then left STP to work in the Operations Support group at Virgil C. Summer Nuclear Station, Units 2 and 3, a nuclear power plant that was under construction at that time. The individual had no “actual operating experience” while away from STP. In August 2017, the individual returned to STP. Upon the individual’s return to STP, he began an individual-specific training and requalification program to re-familiarize himself with operations, plant and operational updates and changes, and to take requalification and operational examinations, which he passed. He also spent a total of 120 hours on shift. In March 2018, following this requalification period, STPNOC submitted to the NRC the request for a waiver and for an exemption from 10 CFR 55.47.

The NRC staff reviewed the licensee’s submittals, including its May 21, 2018, response to the staff’s request for additional information (RAI) concerning the specific impacts of licensed operator overtime and details of licensed operator attrition experienced at STP. The licensee responded, in part, that it had not requested waivers from the work hour requirements of 10 CFR Part 26, “Fitness for Duty Programs,” nor had it experienced reportable performance issues attributable to operator overtime.

The NRC staff notes that the 2-year “extensive actual operating experience” requirement in 10 CFR 55.47 is similar to the requirements in 10 CFR 55.59, “Requalification.” Specifically, 10 CFR 55.59 requires each licensed operator to successfully complete a requalification program that shall be conducted for a continuous period not to exceed 24 months in duration and shall include on-the-job training. Upon conclusion, the requalification program must be promptly followed, pursuant to a continuous schedule, by successive requalification programs. The ability to maintain the necessary body of knowledge when an individual has exceeded a 2-year period without “extensive actual operating experience” has not been fully evaluated but is presumed to decrease with time. In this case, the individual’s last extensive actual operating experience was August 5, 2015, which is significantly beyond the 2-year requirement of 10 CFR 55.47.

Additionally, the testing required for initial operator licensing is more thorough than that required to maintain a license through the requalification program. This is because newly licensed personnel are expected to exhibit a broad initial body of knowledge and the ability to perform their job independently. Once initial competency is assured through the more rigorous process, then ongoing requalification training and testing is used for review and retention of the focused and specialized topics necessary to maintain essential operational knowledge and abilities. In essence, effective requalification training and testing builds from, and relies upon, the foundation of knowledge that was confirmed by the initial licensing process. Therefore, in order to ensure that the link to the foundation of knowledge is sound, the requalification program is required to be continuous.

The applicant successfully completed an initial qualification training program in October 2011; however, the length of time that has passed since the continuation of his requalification training calls into question his ability to recall the extensive body of knowledge needed to operate a nuclear power plant independently. Further, given this significant gap in training, the applicant's passing of a requalification examination (including an operational exam, simulator operating tests, and job performance measure walkthroughs), as opposed to an initial licensed operator examination, is not necessarily sufficient to ensure that his initial competency has been retained. The distinction shown in 10 CFR Part 55 between initial operator licensing and the requalification program reflects this conclusion.

In conclusion, due to the significant amount of time since the applicant's last actual operating experience and due to his retraining being based primarily upon operator requalification material, the licensee has not shown that the requested exemption from 10 CFR 55.47 will not endanger life or property and is otherwise in the public interest; therefore, the NRC staff denies the exemption request.

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**ADAMS Accession No. ML18249A156**

\*by email

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