



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

OCT 29 1998

Mr. Alfred F. Flynn
3768 Via Las Villas
Oceanside, CA 92056

SUBJECT: GRANTING EXEMPTION FROM THE 10 CFR 55.35(a) REQUIREMENT FOR A
2-MONTH RE-APPLICATION INTERVAL

Dear Mr. Flynn:

Your re-application for senior operator license to enable you to be re-examined during the scheduled examinations in November 1998 would not meet the requirements of 10 CFR 55.35(a), in that two months would not have elapsed since the agency's denial, on October 23, 1998, of your previous application, as required by the regulation. However, NRC has determined that, in large part, the delay in establishing a final denial from your June 1998 examination has been the result of the time required for NRC to review your request for informal reconsideration of our proposed denial. Further, the NRC noted that substantially more than 2 months has elapsed since the agency first proposed a denial, allowing time for substantial remedial training, which is reflected in your draft re-application already submitted for NRC review. Therefore, it would be appropriate for the agency to grant a specific exemption to the above requirement.

As required by 10 CFR 55.11, the NRC has determined that the only effect of granting exemption from the required delay in re-application will be to change the date of your re-examination. NRC has concluded that a change in the date of your examination will not endanger life or property and is otherwise in the public interest. Further, NRC has concluded that granting this exemption is not prohibited by law and that denying this exemption and administering an examination at a later date would have a significant cost to your employer and the NRC. As a result, the NRC is granting you a specific exemption from the 10 CFR 55.35(a) requirement that at least 2 months pass from the date of denial to re-application, which will allow you to be re-examined in November 1998 as scheduled. I am authorized to act for the agency in this matter under the delegation of authority contained in 10 CFR 55.5(b)(1) and redelegated to me.

If you have any questions or wish to discuss this matter, please contact me or John Pellet, Chief, Operations Branch, at (817)860-8159.

Sincerely,

f Arthur T. Howell III, Director
Division of Reactor Safety

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Docket Nos.: 50-361; 50-362
License Nos.: NPF-10; NPF-15

Alfred F. Flynn

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cc:

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Alfred F. Flynn

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