

NUCLEAR REGULATORY COMMISSION**[Docket Nos. 50-272 and 50-311]****Public Service Electric and Gas Company (PSE&G), PECO Energy Company, Delmarva Power and Light Company, Atlantic City Electric Company (Salem Nuclear Generating Station, Units 1 and 2); Exemption****I**

The Public Service Electric and Gas Company, et al. (PSE&G, the licensee) is the holder of Facility Operating license Nos. DPR-70 and DPR-75, which authorize operation of the Salem Nuclear Generating Station, Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities consist of two pressurized water reactors, Salem Nuclear Generating Station, Units 1 and 2, at the licensee's site located in Salem County, New Jersey.

II

Pursuant to 10 CFR 55.31(a)(5), each licensed operator applicant is required to perform at least five significant control manipulations which affect reactivity or power level on the facility for which the license is sought. In addition, for a facility which has completed preoperational testing and is in an extended shutdown which precludes manipulation of the control of the facility, the Commission may process the application and may administer the required written examination and operating test, but may not issue the license until the required evidence of control manipulations is supplied.

III

By letter dated May 10, 1996, as supplemented by letters dated June 20, 1996, and July 9, 1996, the licensee requested an exemption from the requirements of 10 CFR 55.31(a)(5) for 10 applicants for operator and senior operator licenses. The requested exemption would allow issuance of operator and senior operator licenses to the applicants prior to their performance of the required control manipulations. Performance of the control manipulations on the Salem facility has not been possible since both Units 1 and 2 have been shutdown for approximately 1 year for extensive upgrades of both equipment and personnel. In lieu of performing the

control manipulations on its facility, the licensee requests acceptance of satisfactory performance of simulated control manipulations on its certified, plant-referenced simulator, since all of the applicants have significant and extensive commercial nuclear power plant experience, although only six of the 10 applicants have previously been licensed and performed reactor controls manipulations. The licensee further committed to the performance of the required control manipulations by each applicant on the Salem Nuclear Generating Station, Unit 2, prior to or at the time the unit achieves 100 percent power following the current plant outage. The requested relief would constitute a one-time exemption from the requirements of 10 CFR 55.31(a)(5).

In support of its request for exemption, the licensee stated that the 10 applicants have significant commercial nuclear power plant experience—from 5 to 22 years—and leadership capabilities important to improve the quality of the staff. They have received additional simulator training on their certified, plant-referenced simulator, including the performance of simulated control manipulations beyond the number required by 10 CFR 55.31(a)(5). The licensee stated that the seven senior operator applicants conducted control manipulations at other facilities and that six of these applicants have also performed licensed senior operator duties within approximately the last 2 years. Finally, the licensee asserts that the 10 applicants have the specific leadership characteristics, determined through a rigorous screening and interview process, considered vital for reliable shift performance. The licensee further stated that failure to grant the exemption would not serve an underlying purpose of the rule in that the safety of nuclear power plant operations would not be improved and the increased level of experience of the operators available would enhance safe restart of Unit 2.

The licensee concludes that the proposed alternate qualifications and training will not adversely affect the capabilities of the operator and senior operator applicants, and it is in the public interest to grant the exemption since inclusion of these individuals on the operations staff will facilitate the increased level of safety as part of the Salem Restart Action Plan.

IV

The underlying purpose of 10 CFR 55.31(a)(5) is to ensure that applicants for operator and senior operator licenses have some minimum level of actual on-

the-job training and experience manipulating the controls in the power plant control room prior to license issuance. The six previously licensed senior operator applicants possess recent significant licensed senior operator experience at other pressurized water reactors and have successfully conducted actual control manipulations. By their previous licensed experience, they have demonstrated that they possess the required levels of practical skills and abilities needed to safely operate a nuclear plant. Because of their considerable licensed operating experience and the additional training provided on the Salem certified, plant-referenced simulator, the lack of manipulations of the actual controls of the Salem facility is not significant. Furthermore, the six applicants will complete the manipulations prior to or at the time that Unit 2 achieves 100% power following the current outage. Therefore, the NRC staff has concluded that the licensee's proposed use of simulated control manipulations for these six senior operator applicants, combined with their prior experience, meets the intent of the requirement of 10 CFR 55.31(a)(5) to have actual experience manipulating the controls in the power plant control room prior to licensing. Meeting the requirement for the completion of the control manipulations on the actual plant for all of the licensed operator applicants would significantly delay issuance of licenses for these applicants, with a resultant adverse effect on the facility licensee's operating crew experience level without a net benefit to safety, and would otherwise have a detrimental effect on the public interest. This one-time exemption will allow additional experienced licensed senior operator support during the upcoming Salem Unit 2 restart, which will provide a safety enhancement during plant startup operations and testing.

V

The NRC staff has reviewed the licensee's request and has concluded that issuance of this exemption will not endanger life or property and will have no significant effect on the safety of the public or the plant.

Accordingly, the Commission has determined, pursuant to 10 CFR 55.11, that this exemption as described in Section III (for the six senior operator license applicants with previous licensed senior operator experience—Messrs Armando, Downey, Fitzgerald, Jackson, Gumbert and Soens) is authorized by law, will not endanger life or property, and is otherwise in the public interest. Therefore, the

Commission hereby grants a one-time exemption from the requirements of 10 CFR 55.31(a)(5) to the six senior operator license applicants with previous licensed senior operator experience prior to their performance of at least five significant control manipulations which affect reactivity or power level on the Salem Nuclear Generating Station. Each of the six applicants named above shall have completed at least five significant control manipulations which affect reactivity or power level on the Salem Nuclear Generating Station, Unit 2, prior to or at the time of the unit achieving 100% power following the current outage, or they shall be removed from licensed duties.

The exemption request is denied for the four applicants with no prior licensed operating experience since simulator training alone is not deemed to be an acceptable alternative to 10 CFR 55.31(a)(5).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (61 FR 49501).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 24th day of September 1996.

For the Nuclear Regulatory Commission.
William T. Russell,
Director, Office of Nuclear Reactor Regulation.

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OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Patricia Paige, (202) 606-0830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on September 3, 1996, (61 FR 46492). Individual authorities established or revoked under Schedules A and B and established under

Schedule C between August 1, 1996, and August 31, 1996, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 was published on September 4, 1996, (FR 46782).

Schedule A

No Schedule A authorities were established in August 1996.

The following Schedule A authorities were revoked in August 1996:

Government Printing Office

Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reductions of the Government's printing costs. Appointments under this authority may not exceed one year. Effective August 29, 1996.

Positions in the printing trades when filled by students majoring in print technology employed under a cooperative education agreement with the University of the District of Columbia. Effective August 27, 1996.

Schedule B

No Schedule B authorities were established in August 1996.

The following Schedule B authority was revoked in August 1996:

National Credit Union Administration

All managerial and supervisory positions at pay levels greater than the equivalent of GS-13 at the Central Liquidity Facility. Effective August 27, 1996.

Schedule C

The following Schedule C authorities were established in August 1996:

Commission on Civil Rights

Deputy General Counsel to the General Counsel, Office of the General Counsel. Effective August 13, 1996.

Department of Agriculture

Director, Office of the Executive Secretariat to the Secretary of Agriculture. Effective August 1, 1996.

Confidential Assistant to the Acting Director, Office of Communications. Effective August 9, 1996.

Confidential Assistant to the Administrator, Food and Consumer Service. Effective August 15, 1996.

Confidential Assistant to the Administrator, Farm Service Agency. Effective August 15, 1996.

Staff Assistant to the Acting Director, Office of Communications. Effective August 16, 1996.

Department of Commerce

Director of Advance to the Deputy Chief of Staff for External Affairs. Effective August 1, 1996.

Deputy Director to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning. Effective August 6, 1996.

Deputy Director, Office of Business Liaison to the Director, Office of Business Liaison. Effective August 27, 1996.

Department of Education

Confidential Assistant to the Special Advisor to the Secretary in the Office of the Secretary. Effective August 1, 1996.

Confidential Assistant to the Director, Office of Public Affairs. Effective August 15, 1996.

Confidential Assistant to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs. Effective August 15, 1996.

Special Assistant to the Director, Office of Public Affairs. Effective August 16, 1996.

Special Assistant to the Counselor to the Secretary. Effective August 29, 1996.

Special Assistant to the Counselor to the Secretary. Effective August 29, 1996.

Department of Energy

Special Assistant to the Assistant Secretary for Environmental Management. Effective August 1, 1996.

Special Assistant to the Deputy Assistant Secretary for Senate Liaison. Effective August 13, 1996.

Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy. Effective August 26, 1996.

Department of Health and Human Services

Special Projects Specialist to the Assistant Secretary for Public Affairs. Effective August 9, 1996.

Confidential Assistant (Scheduling) to the Director of Scheduling. Effective August 22, 1996.

Department of Housing and Urban Development

General Deputy Assistant Secretary to the Assistant Secretary, Community Planning and Development. Effective August 20, 1996.

Special Advisor to the Secretary's Representative. Effective August 22, 1996.

Special Assistant to the Assistant Secretary for Community Planning and Development. Effective August 29, 1996.

Department of Labor

Special Assistant to the Deputy Assistant Secretary, Office of Federal