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U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Hope Creek Generating Station  
Facility Operating License No. NPF-57  
NRC Docket No. 50-354

Salem Generating Station, Unit 1 and 2  
Facility Operating License Nos. DPR-70 and DPR-75  
NRC Docket Nos. 50-272 and 50-311

**Subject: License Amendment Request to Remove References to NRC Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours"**

- References:
- (1) NRC Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours," dated June 15, 1982
  - (2) VR-SECY-06-0244, "Final Rulemaking – 10 CFR Part 26 - Fitness-for-Duty Programs," dated April 17, 2007
  - (3) Federal Register, Vol. 73, No. 62, p. 16966, "Fitness for Duty Programs," dated March 31, 2008

In accordance with the provisions of 10CFR50.90, PSEG Nuclear LLC (PSEG) requests an amendment to the facility operating licenses listed above. The proposed changes remove Technical Specification (TS) administrative controls imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours" (Reference 1). The work hour guidelines required by GL 82-12 (published on June 15, 1982) have been superseded by 10CFR26, Subpart I, "Managing Fatigue." The new rule for work hour controls and fatigue management was approved in Reference 2. Removal of the GL 82-12 administrative controls in TS will support the requirement to be in compliance with 10CFR26, Subpart I, within 18 months of the rule's publish date. The rule was published on March 31, 2008 (Reference 3).

Attachment 1 of this submittal provides an evaluation supporting the proposed changes. Attachment 2 provides the marked-up TS pages, with the proposed changes indicated. Attachment 3 provides a list of regulatory commitments.

PSEG requests approval of the proposed changes by August 1, 2009, to support the implementation of the revised rule and meet the NRC's compliance deadline of October 1, 2009.

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JUL 21 2008

In accordance with 10CFR50.91(b)(1), a copy of this submittal has been sent to the State of New Jersey.

If you have any questions or require additional information, please do not hesitate to contact Mr. Jeff Keenan at (856) 339-5429.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/21/08  
(Date)

Sincerely,



Thomas P. Joyce  
Sr. V.P. Operations

Attachments (3)

S. Collins, Regional Administrator - NRC Region I  
R. Ennis, Project Manager - USNRC  
NRC Senior Resident Inspector - Hope Creek  
NRC Senior Resident Inspector - Salem  
P. Mulligan, Manager IV, NJBNE

REQUEST FOR CHANGE TO TECHNICAL SPECIFICATIONS  
Remove References to NRC Generic Letter 82-12,  
"Nuclear Power Plant Staff Working Hours"

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## 1.0 DESCRIPTION

In accordance with the provisions of 10CFR50.90, PSEG Nuclear LLC (PSEG) requests an amendment to the facility operating licenses for Salem Units 1 and 2 and Hope Creek Generating Stations. The proposed changes remove Technical Specification (TS) administrative controls imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours" (Reference 1). The work hour guidelines required by GL 82-12 (published on June 15, 1982) have been superseded by 10CFR26, Subpart I, "Managing Fatigue." The new rule for work hour controls and fatigue management was approved in Reference 2. Removal of the GL 82-12 administrative controls in TS will support the requirement to be in compliance with 10CFR26, Subpart I, within 18 months of the rule's publication date. The rule was published on March 31, 2008 (Reference 3).

## 2.0 PROPOSED CHANGES

The proposed changes remove GL 82-12 administrative controls from Section 6, page 6-2, of the TS for Salem Unit 1 and 2 and Hope Creek (see Attachment 2).

## 3.0 BACKGROUND

On February 8, 1982, the NRC issued GL 82-02, "Nuclear Power Plant Staff Working Hours" (Reference 4), requesting that all licensees revise the administrative section of their technical specifications to require that administrative procedures follow policy guidelines on working hours. On June 15, 1982, the NRC issued GL 82-12, "Nuclear Power Plant Staff Working Hours," which slightly revised GL 82-02 guidance and discussions regarding the limitation of work hours to mitigate worker fatigue and the impact of fitness-for-duty on safety. GL 82-12 established overtime guidance for work hours beyond a "normal 8-hour day, 40-hour week." The guidance of GL 82-12 was incorporated into the Salem and Hope Creek TS.

On April 17, 2007, the NRC Commissioners approved a final rule amending 10CFR26, which revised, reorganized, and clarified drug and alcohol testing programs, partially granted two petitions for rulemaking and established requirements for managing worker fatigue at operating nuclear power plants. Subpart I specifically addresses managing worker fatigue by designating individual break requirements, work hour limits, and annual reporting requirements. Subpart I was published in the Federal Register on March 31, 2008, with a required implementation period of 18 months. Compliance is, therefore, required by October 1, 2009.

## 4.0 TECHNICAL ANALYSIS

The new rule, which amends 10CFR26, Subpart I, supersedes GL 82-12 guidance. The Subpart I regulations are more restrictive than the current guidance in TS and would add conservatism to work hour controls and fatigue management. 10CFR26, Subpart I, distinguishes between work hour controls and fatigue management and strengthens requirements for both. Under the new rule, work hour restrictions include not only work hour limitations for rolling 24-hour, 48-hour, and 7-day periods, but also include a required minimum break between work periods and varying required minimum days off. Additionally, Subpart I restricts the use of waivers (deviations from restrictions) to situations where overtime is necessary to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. Subpart I also strengthens reporting requirements. Finally, the new rule's work hour controls scope includes operating and maintenance personnel, as well as those

directing operating and maintenance personnel, performing work on risk-significant equipment, health physics and chemistry personnel who are a part of the on-site minimum shift complement, the fire brigade leader or advisor, and security personnel.

The proposed changes remove the controls imposed by GL 82-12 from the administrative section of TS to support compliance with 10CFR26, Subpart I. PSEG requests approval of the proposed changes by August 1, 2009, to support the implementation of the revised rule and meet the NRC's compliance deadline of October 1, 2009. Compliance with 10CFR26, Subpart I, will be established concurrently with TS requirements removal. The new work hour controls and fatigue management requirements have been incorporated into the CFR, therefore, it is unnecessary to have work hour control requirements in TS.

## 5.0 REGULATORY ANALYSIS

### 5.1 No Significant Hazards Consideration

PSEG requests an amendment to the Salem Unit 1 and 2 and Hope Creek Facility Operating Licenses. The proposed changes revise Technical Specification (TS) in the administrative controls section to remove the guidance of NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours". This guidance has been superseded by 10CFR26, Subpart I, which is more conservative by both increasing the scope of personnel involved and including required minimum break durations and days off. Furthermore, work hour controls are no longer guidance in a generic communication, but are stipulated in the Code of Federal Regulations (CFR). According to 10CFR50.92, "Issuance of amendment," paragraph (c), a proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated; or
2. Create the possibility of a new or different kind of accident from any accident previously evaluated; or
3. Involve a significant reduction in a margin of safety.

PSEG has evaluated the proposed changes to the TS for the stations listed above, using the criteria in 10CFR50.92, and have determined that the proposed changes do not involve a significant hazards consideration. The following information is provided to support a finding of no significant hazards consideration.

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The removal of GL 82-12 administrative controls will not remove the requirement to control work hours and manage fatigue. Removal of TS controls required by GL 82-12 will be performed concurrently with the implementation of the more conservative 10CFR26, Subpart I, requirements. The proposed changes do not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do

not impact the initiators or assumptions of analyzed events, nor do they impact the mitigation of accidents or transient events.

Because these new requirements are more conservative with respect to work hour controls and fatigue management, this will not significantly increase the probability or consequence of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed changes remove GL 82-12 administrative controls from TS to support the implementation of Subpart I to 10CFR26. The Subpart I regulations are more restrictive than the current guidance in TS and would add conservatism to work hour controls and fatigue management. Work hours will continue to be controlled in accordance with NRC requirements. The new rule continues to allow for deviations from controls to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. This ensures that the new rule will not restrict work hours at the expense of the health and safety of the public as well as plant personnel. The proposed changes do not alter plant configuration, require that new plant equipment be installed, alter assumptions made about accidents previously evaluated, add any initiators, or impact the function of plant SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected. Because the proposed changes do not remove the station's requirement to control work hours and increases the conservatism of work hour controls by changing administrative scheduling requirements, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No

An input to maintaining the margin of safety is the control of work hours in managing fatigue. Salem and Hope Creek Generating Stations will continue their fitness-for-duty and behavioral observation programs, both of which will be strengthened by compliance with the new Part 26 regulation. The proposed changes add conservatism to fatigue management and contribute to the margin of safety. The proposed changes do not involve any physical changes to plant SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do not involve a change to any safety limits, limiting safety system settings, limiting conditions of operation, or design parameters for any SSC. The proposed changes do not impact any safety analysis assumptions and do not involve a change in initial conditions, system response times, or other parameters affecting an accident analysis. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Based upon the above, PSEG concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10CFR50.92 (c), and, accordingly, a finding of no significant hazards consideration is justified.

## 5.2 Applicable Regulatory Requirements and Criteria

10CFR50.36(d)(5), "Administrative controls," provides the regulatory requirements for the content required in the administrative controls section of TS. The inclusion of GL 82-12 requirements into the administrative controls section met the requirement to have administrative controls for "procedures . . . necessary to assure the operation of the facility in a safe manner." Because of the new regulation to control work hours and manage fatigue by 10CFR26, Subpart I, it is now unnecessary to maintain a reference to work hour controls guidance in TS. Furthermore, these TS references are in conflict with 10CFR26, Subpart I. Removal of TS references to GL 82-12 guidance is not in conflict with 10CFR50.36 (d)(5) and supports compliance with 10CFR26, Subpart I.

In conclusion, based on the considerations discussed above, (1) there is a reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the NRC's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

## **6.0 ENVIRONMENTAL CONSIDERATION**

In accordance with 10CFR51.22(b), an evaluation of this license amendment request has been performed to determine whether or not it meets the criteria for categorical exclusion from environmental review. PSEG has determined that, per 10CFR51.22(c)(10), the proposed change is solely related to administrative requirements/procedures and thus meets the requirements for categorical exclusion. Therefore, pursuant to 10CFR51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

## **7.0 REFERENCES**

- (1) NRC Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours," dated June 15, 1982
- (2) VR-SECY-06-0244, "Final Rulemaking -10 CFR Part 26 - Fitness-for-Duty Programs," dated April 17, 2007
- (3) Federal Register, Vol . 73, No. 62, p. 16966, "Fitness for Duty Programs," dated March 31, 2008
- (4) NRC Generic Letter 82-02, "Nuclear Power Plant Staff Working Hours," dated February 8, 1982

ATTACHMENT 2

**TECHNICAL SPECIFICATION PAGES WITH PROPOSED CHANGES**

The following Technical Specifications for Facility Operating License NPF-57 are affected by this change request:

| <b><u>Technical Specification</u></b> | <b><u>Page</u></b> |
|---------------------------------------|--------------------|
| 6.2.2.d                               | 6-2                |

The following Technical Specifications for Facility Operating License DPR-70 are affected by this change request:

| <b><u>Technical Specification</u></b> | <b><u>Page</u></b> |
|---------------------------------------|--------------------|
| 6.2.2.d                               | 6-2                |

The following Technical Specifications for Facility Operating License DPR-75 are affected by this change request:

| <b><u>Technical Specification</u></b> | <b><u>Page</u></b> |
|---------------------------------------|--------------------|
| 6.2.2.d                               | 6-2                |

ADMINISTRATIVE CONTROLS

UNIT STAFF (Continued)

- b. At least one licensed Reactor Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in OPERATIONAL CONDITION 1, 2 or 3, at least one licensed Senior Reactor Operator shall be in the control room;
- c. ALL CORE ALTERATIONS shall be observed and directly supervised by either a licensed Senior Reactor Operator or licensed Senior Reactor Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation; and

~~d. Administrative procedures shall be developed and implemented to working hours of unit staff who perform safety-related e.g., licensed Senior Reactor Operators, licensed Reactor Operators, radiation protection technicians, equipment operators, and key maintenance personnel.~~

DELETED

~~Adequate shift coverage shall be maintained without routine heavy use of over-time. The objective shall be to have operating personnel work a nominal\*\* 40-hour week while the unit is operating. However, in the event that unforeseen problems require substantial amounts of overtime to be used, or during extended periods of shutdown for refueling, major maintenance on major unit modifications, on a temporary basis the following guidelines shall be followed:~~

- ~~1. An individual should not be permitted to work more than 16 hours straight, excluding shift turnover time.~~
- ~~2. An individual should not be permitted to work more than 16 hours in any 24-hour period, nor more than 24 hours in any 48-hour period, nor more than 72 hours in any 7 day period, all excluding shift turnover time.~~
- ~~3. A break of at least 8 hours should be allowed between work periods, including shift turnover time.~~
- ~~4. Except during extended shutdown periods, the use of overtime should be considered on an individual basis and not for the entire staff on a shift.~~

~~Any deviation from the above guidelines shall be authorized by the appropriate department manager, or higher levels of management, in accordance with established procedures and with documentation of the basis for granting the deviation. Controls shall be included in the procedures such that individual over-time shall be reviewed monthly by the plant manager or his designee to assure that excessive hours have not been assigned. Routine deviation from the above guidelines is not authorized.~~

~~\*\*The shift schedule is based upon a 12-hour shift with a work week of either 36 hours or 48 hours.~~

ADMINISTRATIVE CONTROLS

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6.2.2 FACILITY STAFF

The facility organization shall be subject to the following:

- a. Each on duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2-1;
- b. At least one licensed Reactor Operator shall be in the control room when fuel is in the reactor. In addition, at least one licensed Senior Reactor Operator shall be in the Control Room area at all times.
- c. All CORE ALTERATIONS shall be observed and directly supervised by a licensed Senior Reactor Operator who has no other concurrent responsibilities during this operation.

DELETED

~~Administrative controls shall be developed and implemented to limit hours of personnel who perform safety-related functions (e.g., senior reactor operators, reactor operators, auxiliary operators, health physicists, and key maintenance personnel, et al.). The controls shall include guidelines on working hours that ensure that adequate shift coverage is maintained without heavy use of overtime for individuals.~~

~~Any deviation from the working hour guidelines shall be authorized in advance by the plant manager or his designee, in accordance with approved administration procedures and with documentation of the basis for granting the deviation.~~

~~Controls shall be included in the procedure such that overtime shall be reviewed monthly by the plant manager or his designee to ensure that excessive hours have not been assigned. Routine deviation from the above guidelines shall not be authorized.~~

ADMINISTRATIVE CONTROLS

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FACILITY STAFF (Continued)

- b. At least one licensed Reactor Operator shall be in the control room when fuel is in the reactor. In addition, at least one licensed Senior Reactor Operator shall be in the Control Room area at all times.
- c. All CORE ALTERATIONS shall be observed and directly supervised by a licensed Senior Reactor Operator who has no other concurrent responsibilities during this operation.

~~d. Administrative controls shall be developed and implemented to~~  
~~the working hours of personnel who perform safety-related~~  
**DELETED** ~~as (e.g., senior reactor operators, reactor operators,~~  
~~auxiliary operators, health physicists, and key maintenance~~  
~~personnel, et al.). The controls shall include guidelines on~~  
~~working hours that ensure that adequate shift coverage is~~  
~~maintained without heavy use of overtime for individuals.~~

~~Any deviation from the working hour guidelines shall be~~  
~~authorized in advance by the plant manager or his designee, in~~  
~~accordance with approved administration procedures and with~~  
~~documentation of the basis for granting the deviation.~~

~~Controls shall be included in the procedure such that overtime~~  
~~shall be reviewed monthly by the plant manager or his designee to~~  
~~ensure that excessive hours have not been assigned. Routine~~  
~~deviation from the above guidelines shall not be authorized.~~

**ATTACHMENT 3**  
**List of Regulatory Commitments**

| COMMITMENT                                                                                                                                                                                                                                                                                                                                                                            | COMMITTED DATE     | COMMITMENT TYPE            |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------|-------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                       |                    | ONE-TIME ACTION (Yes / No) | PROGRAMMATIC (Yes / No) |
| PSEG will implement, by October 1, 2009, the 10 CFR 26, Subpart I requirements for managing fatigue at Salem and Hope Creek, concurrent with the implementation of the Technical Specification (TS) amendment to remove work hour limitations from TS . The intent of this commitment is to ensure that work hour limitations are controlled by either TS or regulation at all times. | By October 1, 2009 | Yes                        | No                      |