



August 21, 2008

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
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Serial No 08-0506  
NLOS/GAW R0  
Docket Nos. 50-245  
50-336  
50-423  
License Nos. DPR-21  
DPR-65  
NPF-49

**DOMINION NUCLEAR CONNECTICUT, INC.**  
**MILLSTONE POWER STATION UNITS 1, 2 AND 3**  
**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCES TO NRC GENERIC**  
**LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"**  
**(LBDCRS 08-MP1-008, 08-MP2-020 AND 08-MP3-022)**

In accordance with the provisions of 10 CFR 50.90, Dominion Nuclear Connecticut, Inc. (DNC) is submitting a request for an amendment to the facility operating licenses DPR-21, DPR-65 and NPF-49 for Millstone Power Station Units 1, 2 and 3 (MPS1, MPS2 and MPS3). The proposed changes would remove references to and limits imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours." Published on June 15, 1982, these guidelines have been superseded by 10 CFR 26, Subpart I, "Managing Fatigue." MPS1, MPS2 and MPS3 technical specifications (TS) include work hour guidelines required by GL 82-12 in the administrative control section. The new rule for work hour controls and fatigue management was approved in CVR-SECY-06-0244, "Final Rulemaking – 10 CFR Part 26 – Fitness-for-Duty Programs," dated April 17, 2007. Removal of references to GL 82-12 will support the requirement to be in compliance with 10 CFR 26, Subpart I, within 18 months of the publish date of the rule. (The rule was published on March 31, 2008 - Federal Register, Vol. 73, No. 62, p. 16966, "Fitness for Duty Programs.")

Attachment 1 provides a description and assessment of the proposed changes, as well as confirmation of applicability for MPS1, MPS2 and MPS3, respectively. Attachments 2, 3 and 4 provide the MPS1, MPS2 and MPS3 marked-up TS pages, respectively.

The proposed amendment does not involve a Significant Hazards Consideration pursuant to the provisions of 10 CFR 50.92. The Facility Safety Review Committee has reviewed and concurred with the determinations herein.

Issuance of this amendment is requested no later than August 31, 2009, in order to support DNC compliance with the requirements of 10 CFR 26, Subpart I no later than October 1, 2009.



Attachments:

1. Evaluation of Proposed License Amendment
2. Marked Up Technical Specification Page, MPS1
3. Marked Up Technical Specification Page, MPS2
4. Marked Up Technical Specification Page, MPS3

Commitments made in this letter: None

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**ATTACHMENT 1**

**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCES TO NRC  
GENERIC LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"  
(LBDCRS 08-MP1-008, 08-MP2-020 AND 08-MP3-022)**

**EVALUATION OF PROPOSED LICENSE AMENDMENT**

**DOMINION NUCLEAR CONNECTICUT, INC.  
MILLSTONE POWER STATION UNITS 1, 2 AND 3**

**EVALUATION OF PROPOSED LICENSE AMENDMENT**

- 1.0 DESCRIPTION
- 2.0 PROPOSED CHANGES
- 3.0 BACKGROUND
- 4.0 TECHNICAL ANALYSIS
- 5.0 REGULATORY ANALYSIS
  - 5.1 No Significant Hazards Consideration
  - 5.2 Applicable Regulatory Requirements/Criteria
- 6.0 ENVIRONMENTAL CONSIDERATION

**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCES TO NRC GENERIC  
LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"**

**1.0 DESCRIPTION**

In accordance with the provisions of 10 CFR 50.90, Dominion Nuclear Connecticut, Inc. (DNC) is submitting a request for an amendment to the facility operating licenses DPR-21, DPR-65 and NPF-49 for Millstone Power Station Units 1, 2 and 3 (MPS1, MPS2 and MPS3). The proposed changes would remove references to and limits imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours." Published on June 15, 1982, these guidelines have been superseded by 10 CFR 26, Subpart I, "Managing Fatigue." MPS1, MPS2 and MPS3 technical specifications (TS) include work hour guidelines required by GL 82-12 in the administrative control section. The new rule for work hour controls and fatigue management was approved in CVR-SECY-06-0244, "Final Rulemaking – 10 CFR Part 26 – Fitness-for-Duty Programs," dated April 17, 2007. Removal of references to GL 82-12 will support the requirement to be in compliance with 10 CFR 26, Subpart I, within 18 months of the publish date of the rule. (The rule was published on March 31, 2008 - Federal Register, Vol. 73, No. 62, p. 16966, "Fitness for Duty Programs.")

**2.0 PROPOSED CHANGES**

The proposed changes remove references to GL 82-12 from the administrative controls sections of the plants' technical specifications. Specifically,  
MPS1: Delete TS 5.2.2.f.  
MPS2: Delete TS 6.2.2.f.  
MPS3: Delete TS 6.2.2.g.

**3.0 BACKGROUND**

On June 15, 1982, the NRC issued GL 82-12, "Nuclear Power Plant Staff Working Hours," which was a revision of past 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." Issued prior to GL 82-12, GL 82-02, "Nuclear Power Plant Staff Working Hours," requested that all licensees revise the administrative section of their technical specifications to require that administrative procedures follow policy guidelines. GL 82-12 invoked this request. References to GL 82-12 were incorporated into MPS1, MPS2 and MPS3 TS.

On April 17, 2007, the NRC Commissioners approved a final rule amending 10 CFR 26, 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 was established by 10 CFR 26, Subpart I, supercedes GL 82-12 guidance. 10 CFR 26, 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 confines 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 references to and limits imposed by GL 82-12 from the administrative section of TS to support compliance with 10 CFR 26, Subpart I. DNC requests approval of the proposed changes by August 31, 2009, to support the implementation of the revised rule and meet the NRC's compliance deadline of October 1, 2009. Upon implementation, federal regulations will govern the requirements associated with work hour controls and fatigue management at MPS1, MPS2 and MPS3. Compliance with 10 CFR 26, Subpart I, will be established concurrently with the removal of the reference to GL 82-12 in the existing TS. The new work hour controls and fatigue management requirements have been incorporated into the Code of Federal Regulations (CFR); therefore, it is unnecessary to have work hour control requirements in TS.

#### **5.0 REGULATORY ANALYSIS**

##### **5.1 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 references to GL 82-12 will not remove the requirement to control work hours and manage fatigue. Removal of TS references to GL 82-12 will be performed concurrently with the implementation of the more conservative 10 CFR 26, 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 administrative in nature, and further, are more conservative with respect to work hour controls and fatigue management, the proposed change 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 references to GL 82-12 from TS consistent with the recently revised Subpart I to 10 CFR 26. These regulations are more restrictive than the current guidance 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.

Compliance with the new rule adds conservatism to existing fatigue management and contributes to the margin of safety. Deletion of references to GL 82-12 in the TS is administrative in nature since fatigue management is controlled through the new rule. MPS1, MPS2 and MPS3 will continue their fitness-for-duty and behavioral observation programs, both of which will be strengthened by compliance with the new rule. 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, DNC concludes that the proposed amendments present no significant hazards consideration under the standards set forth in 10 CFR 50.92 (c), and, accordingly, a finding of no significant hazards consideration is justified.

## 5.2 Applicable Regulatory Requirements/Criteria

The proposed changes revise TS in the administrative controls section to remove references to NRC GL 82-12, "Nuclear Power Plant Staff Working Hours." This guidance has been superceded by 10 CFR 26, 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 CFR.

10 CFR 50.36 (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 into the administrative controls section meets the requirement to have administrative controls for "procedures. . . necessary to assure the operation of the facility in a safe manner." Because the requirement to control work hours and manage fatigue is necessitated by 10 CFR 26, Subpart I, it is unnecessary to maintain a reference to work hour controls guidance in TS.

Furthermore, these TS references are in conflict with 10 CFR 26, Subpart I. Removal of TS references to GL 82-12 guidance is not in conflict with 10 CFR 50.36 (d)(5) and supports station compliance with 10 CFR 26, Subpart I.

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 U. S. 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

DNC has determined that the proposed amendments would not change requirements with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, nor would it change inspection or surveillance requirements. DNC has evaluated the proposed changes and has determined that the changes do not involve: (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluent that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendments meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," Paragraph (c)(9). Therefore, pursuant to 10 CFR 51.22, Paragraph (b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendments.

**ATTACHMENT 2**

**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCE TO NRC GENERIC  
LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"  
(LBDCR 08-MP1-008)**

**MARKED-UP TECHNICAL SPECIFICATION PAGE**

**DOMINION NUCLEAR CONNECTICUT, INC.  
MILLSTONE POWER STATION UNIT 1**



**ATTACHMENT 3**

**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCE TO NRC GENERIC  
LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"  
(LBDCR 08-MP2-020)**

**MARKED-UP TECHNICAL SPECIFICATION PAGE**

**DOMINION NUCLEAR CONNECTICUT, INC.  
MILLSTONE POWER STATION UNIT 2**

ADMINISTRATIVE CONTROLS

FACILITY STAFF (CONTINUED)

- d. A radiation protection technician shall be on site when fuel is in the reactor. (Table 6.2-1)
- e. ALL CORE ALTERATIONS after the initial fuel loading shall be directly supervised by either a licensed Senior Reactor Operator or Senior Reactor Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation.

Deleted → f. Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions. These procedures should follow the general guidance of the NRC Policy Statement on working hours (Generic Letter No. 82-12).

6.3 FACILITY STAFF QUALIFICATIONS

- 6.3.1 Each member of the facility staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971\* for comparable positions. Exceptions to this requirement are specified in the Quality Assurance Program.
- 6.3.2 If the operations manager does not hold a senior reactor operator license for Millstone Unit No. 2, then the operations manager shall have held a senior reactor operator license at a Pressurized Water Reactor and an individual serving in the capacity of the assistant operations manager shall hold a senior reactor operator license for Millstone Unit No. 2.

\* As of November 1, 2001, applicants for reactor operator and senior reactor operator qualification shall meet or exceed the education and experience guidelines of Regulatory Guide 1.8, Revision 3, May 2000.

**ATTACHMENT 4**

**LICENSE AMENDMENT REQUEST TO REMOVE REFERENCE TO NRC GENERIC  
LETTER 82-12, "NUCLEAR POWER PLANT STAFF WORKING HOURS"  
(LBDCR 08-MP3-022)**

**MARKED-UP TECHNICAL SPECIFICATION PAGE**

**DOMINION NUCLEAR CONNECTICUT, INC.  
MILLSTONE POWER STATION UNIT 3**

September 17, 2002

ADMINISTRATIVE CONTROLS

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FACILITY STAFF (Continued)

- b. At least one licensed Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Operator shall be in the control room;
- c. At least two licensed Operators shall be present in the control room during reactor startup, scheduled reactor shutdown and during recovery from reactor trips.
- d. A radiation protection technician\* shall be on site when fuel is in the reactor;
- e. 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;
- f. Deleted

- g. Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions. These procedures should follow the general guidance of the NRC Policy Statement on working hours (Generic Letter No. 82-12).

Deleted

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\* The radiation protection technician composition may be less than the minimum requirements for a period of time not to exceed 2 hours, in order to accommodate unexpected absence, provided immediate action is taken to fill the required positions.