September 17, 2008

TSTF-08-16
PROJ0753

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

SUBJECT: Transmittal of TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26"

Dear Sir or Madam:

Enclosed for NRC review is TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." TSTF-511 is applicable to all plant types.

The Technical Specification changes proposed in TSTF-511 are necessary to comply with the new 10 CFR Part 26, Subpart I, approved by the NRC on March 31, 2008. The new Part 26 requirements supersede the current Technical Specification requirements, rendering the Technical Specification requirements unnecessary and potentially conflicting with the new regulation. Therefore, compliance with the new Part 26, Subpart I, requires that the Technical Specifications be revised. We request that the NRC's review of the Traveler be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. This Traveler meets the exemption requirement in 10 CFR 170.11(a)(1)(iii), in that it is "a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts." In this case, the generic regulatory improvement effort is the NRC's revision to 10 CFR Part 26, Subpart I, on managing worker fatigue. The proposed Traveler is a mechanism for the NRC and industry organizations (the Technical Specification Task Force and the sponsoring Owners Groups) to exchange information with regard to the appropriate Technical Specification changes needed to reflect the NRC's generic regulatory improvement issued as 10 CFR Part 26, Subpart I.

The TSTF requests that the Traveler be made available under the Consolidated Line Item Improvement Process. The TSTF also requests that the change be approved as soon as possible. Licensees are required to comply with 10 CFR Part 26, Subpart I, by October 31, 2009. In order to allow licensees to prepare and submit a license amendment and have it approved by the deadline, we request that this Traveler be approved before the end of 2008. We commit to expeditiously respond to any NRC questions in order to support this requested date.

11921 Rockville Pike, Suite 100, Rockville, MD 20852
Phone: 301-984-4400, Fax: 301-984-7600
Administered by EXCEL Services Corporation

PWROG PWR Owners Group

BWR OWNERS' GROUP

Should you have any questions, please do not hesitate to contact us.

Bert Yates (PWROG/W)

John Messina (BWROG)

David Bice (PWROG/CE)

Reene' Gambrell (PWROG/B&W)

Enclosure

cc: Robert Elliott, Technical Specifications Branch, NRC
Matthew Hamm, Technical Specifications Branch, NRC

# Technical Specification Task Force
# Improved Standard Technical Specifications Change Traveler

**Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26**

NUREGs Affected: ☑ 1430 ☑ 1431 ☑ 1432 ☑ 1433 ☑ 1434

Classification 1) Technical Change

Recommended for CLIIP?: Yes

Correction or Improvement: Correction

NRC Fee Status: Exemption Requested

Benefit: Increase Consistency with Standard or Writer's

Industry Contact: John Messina, (330) 384-5878, jmessina@firstenergycorp.com

See attached.

## Revision History

## OG Revision 0 Revision Status: Active

Revision Proposed by: TSTF

Revision Description:
Original Issue

### TSTF Review Information

TSTF Received Date: 16-Sep-08 Date Distributed for Review 16-Sep-08

OG Review Completed: ☑ BWOG ☑ WOG ☑ CEOG ☑ BWROG

TSTF Comments:
(No Comments)

TSTF Resolution: Approved Date: 17-Sep-08

### NRC Review Information

NRC Received Date: 18-Sep-08

## Affected Technical Specifications

| | |
|---|---|
| 5.2.2 | Unit Staff |



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## 1.0 Description

On April 17, 2007, the NRC Commissioners approved a final rule amending Title 10, Part 26, of the Code of Federal Regulations (CFR) which, among other changes, 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.

Prior to publication of 10 CFR Part 26, controls on worker fatigue were incorporated in plant-specific Technical Specifications. With the publication of 10 CFR Part 26, these plant-specific controls are no longer needed and are proposed to be removed from the Technical Specifications.

## 2.0 Proposed Change

Improved Standard Technical Specification (ISTS) NUREG-1430 (Babcock and Wilcox plants), NUREG -1431 (Westinghouse plants), NUREG -1432 (Combustion Engineering plants), NUREG -1433 (Boiling Water Reactor /4 plants) and NUREG -1434 (Boiling Water Reactor / 6 plants) contain requirements on working hours in Chapter 5, "Administrative Controls," Section 5.2, "Organization," Specification 5.2.2, "Unit Staff," paragraph d. Specification 5.2.2.d requires administrative procedures to be developed and implemented to limit the working hours of personnel who perform safety related functions.

Plant-specific Technical Specifications may contain similar or different working hour requirements. Some plant-specific Technical Specifications require compliance with Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours," published on June 15, 1982, or other requirements which limit working hours to prevent worker fatigue.

Regardless of the specifics of the current Technical Specification requirements on worker fatigue, this Traveler proposes to eliminate these Technical Specification requirements as they are superseded by the requirements in 10 CFR Part 26. For the ISTS NUREGs and plant-specific Technical Specifications based on the ISTS, the Traveler proposes to eliminate Specification 5.2.2, paragraph d and to renumber paragraphs 5.2.2.e and 5.2.2.f accordingly. For licensees with Technical Specifications not based on the ISTS or with working hour requirements different from the ISTS, this Traveler proposes to eliminate all working hour requirements from the plant-specific Technical Specifications.

Requests to adopt this Traveler may include plant-specific differences from the ISTS, such as numbering and titles. In addition, licensees may proposed to mark the existing requirements "Deleted" and to not renumber subsequent requirements. These differences are administrative and do not affect the applicability of the proposed change.

## 3.0 Background

On April 17, 2007, the NRC Commissioners approved a final rule amending Title 10, Part 26, of the Code of Federal Regulations (CFR) which, among other changes, 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.

Prior to publication of 10 CFR Part 26, controls on worker fatigue were incorporated in plant-specific Technical Specifications. With the publication of 10 CFR Part 26, these plant-specific controls are no longer needed and may be removed from the Technical Specifications.

## 4.0 Technical Analysis

The new rule, which was established as 10 CFR Part 26, Subpart I, supersedes existing worker fatigue guidance. 10 CFR Part 26, Subpart I, distinguishes between work hour controls and fatigue management and strengthens the 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 control scope includes operating and maintenance personnel, as well as those directing operating and maintenance personnel, those 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 change removes working hour limits imposed in the Technical Specifications in order to support compliance with 10 CFR Part 26, Subpart I. Work hour controls and fatigue management requirements have been incorporated into the NRC's regulations; therefore, it is unnecessary to have work hour control requirements in the Technical Specifications.

Removal of the plant-specific Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements, even if the Technical Specification change is implemented prior to the October 1, 2009 deadline. The TSTF recommends that the model application for this Traveler contain a commitment for licensees to comply with 10 CFR Part 26 concurrent with the implementation of the Technical Specification change.

## 5.0 Regulatory Analysis

### 5.1 No Significant Hazards Consideration

The TSTF has evaluated whether or not a significant hazards consideration is involved with the proposed generic change by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

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

   Response: No.

   The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Removal of the Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements. The proposed change does 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. Worker fatigue is not an initiator of any accident previously evaluated. Worker fatigue is not an assumption in the consequence mitigation of any accident previously evaluated.

   Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

   Response: No.

   The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Working hours will continue to be controlled in accordance with NRC requirements. The new rule allows for deviations from controls to mitigate or prevent a condition adverse to safety or as necessary to maintain the security of the facility. This ensures that the new rule will not unnecessarily restrict working hours and thereby create the possibility of a new or different kind of accident from any accident previously evaluated.

   The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or effect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

   Response: No.

   The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. The proposed change does not involve any physical changes to plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

   Removal of plant-specific Technical Specification administrative requirements will not reduce a margin of safety because the requirements in 10 CFR Part 26 are adequate to ensure that worker fatigue is managed.

   Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

Based on the above, the TSTF concludes that the proposed change presents no significant hazards considerations 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 change eliminates the plant-specific Technical Specification administrative controls on working hours. The Technical Specification guidance has been superseded by 10 CFR Part 26.

10 CFR Part 26, Subpart I, "Managing Fatigue," contains requirements for managing worker fatigue at operating nuclear power plants.

10 CFR 50.36, "Administrative controls," provides the regulatory requirements for the content in the Administrative Controls section of the Technical Specifications. The inclusion of requirements to control working hours and manage fatigue is not required to be in the Administrative Controls by 10 CFR Part 50.36. Because the requirement to control working hours and manage fatigue is provided in 10 CFR Part 26, Subpart I, it is unnecessary for the Technical Specifications to contain similar controls.

Based on the considerations discussed above, (1) there is 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 Commission's regulations, and (3) the approval of the proposed change will not be inimical to the common defense and security or to the health and safety of the public.

## 6.0 Environmental Consideration

The proposed change is confined to (i) changes to surety, insurance, and/or indemnity requirements, or (ii) changes to recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the proposed change meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed change.

## 7.0 References

None.

## 5.2 Organization

### 5.2.2 Unit Staff (continued)

b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.f for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

c. A radiation protection technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position.

~~d. Administrative procedures shall be developed and implemented to limit the working hours of personnel who perform safety related functions (e.g., [licensed Senior Reactor Operators (SROs), licensed Reactor Operators (ROs), health physicists, auxiliary operators, and key maintenance personnel]).~~

~~The controls shall include guidelines on working hours that ensure adequate shift coverage shall be maintained without routine heavy use of overtime.~~

~~Any deviation from the above guidelines shall be authorized in advance by the plant manager or his designee, in accordance with approved administrative procedures, and with documentation of the basis for granting the deviation. Routine deviation from the working hour guidelines shall not be authorized.~~

~~Controls shall be included in the procedures to require a periodic independent review be conducted to ensure that excessive hours have not been assigned.~~

d~~e~~. The operations manager or assistant operations manager shall hold an SRO license.

e~~f~~. An individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.

## 5.2 Organization

### 5.2.2 Unit Staff (continued)

b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.f for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

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d~~e~~. The operations manager or assistant operations manager shall hold an SRO license.

e~~f~~. An individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.

## 5.2 Organization

5.2.2 Unit Staff (continued)

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## 5.2 Organization

### 5.2.2 Unit Staff (continued)

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e~~f~~. An individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.

## 5.2 Organization

5.2.2 Unit Staff (continued)

b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.f for a period of time not be exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

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