

VIRGINIA ELECTRIC AND POWER COMPANY
RICHMOND, VIRGINIA 23261

February 6, 2009

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Serial No. 09-083
NL&OS/ETS R0
Docket Nos. 50-338/339
License Nos. NPF-4/7

VIRGINIA ELECTRIC AND POWER COMPANY (DOMINION)
NORTH ANNA POWER STATION UNITS 1 AND 2
LICENSE AMENDMENT REQUEST FOR ADOPTION OF TSTF-511, REV 0
ELIMINATE WORK HOUR RESTRICTIONS FROM TS 5.2.2
TO SUPPORT COMPLIANCE WITH 10 CFR PART 26

Pursuant to 10 CFR 50.90, Dominion requests amendments in the form of changes to the Technical Specifications (TS) to Facility Operating License Numbers NPF-4 and NPF-7 for North Anna Power Station Units 1 and 2, respectively. The proposed amendments will delete those portions of the TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Work Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The availability of this TS improvement was announced in the Federal Register on December 30, 2008 (73 CFR 79923) as part of the consolidated line item improvement process (CLIP).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS pages marked up to show the proposed change. Attachment 3 provides the proposed TS change in final typed format.

The proposed change has been approved by the Facility Safety Review Committee. This letter contains one regulatory commitment as identified in Attachment 4.

Dominion requests approval of the proposed license amendments by August 1, 2009. This will support the implementation of the TS changes concurrent with Dominion's target date of August 14, 2009 for the implementation of the new 10 CFR Part 26, Subpart I requirements. Implementation must be completed by the firm regulatory date of no later than October 1, 2009.

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Attachment 1

(Serial No. 09-083)

Evaluation of Proposed Change

**North Anna Power Station
Units 1 and 2
Virginia Electric and Power Company
(Dominion)**

DESCRIPTION AND ASSESSMENT OF PROPOSED CHANGE

1.0 DESCRIPTION

Virginia Electric and Power Company (Dominion) is requesting amendments to Operating Licenses NPF-4 and NPF-7 for North Anna Units 1 and 2, respectively. The proposed amendments would delete those portions of the Technical Specifications (TS) superseded by 10 CFR Part 26, Subpart I. This change is consistent with the NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." Dominion does not take any exception to the change proposed by TSTF-511. The availability of the TS improvement was announced in the Federal Register on December 30, 2008 (73 CFR 79923) as part of the Consolidated Line Item Improvement Process (CLIP).

2.0 PROPOSED CHANGES

Consistent with the NRC approved Revision 0 of TSTF-511, the proposed TS change deletes TS 5.2.2.d, which has been superseded by 10 CFR Part 26, Subpart I requirements.

This application is being made in accordance with the CLIP. Dominion is not proposing variations or deviations from the TS change described in TSTF-511, Revision 0, or the NRC staff's model safety evaluation (SE) published on December 30, 2008 (73 CFR 79923) as part of the CLIP Notice of Availability.

3.0 BACKGROUND

The NRC issued a Federal Register notice (73 FR 16966, March 31, 2008) of the issuance of a final rule that amended 10 CFR Part 26. The revised regulations in 10 CFR Part 26, Subpart I supersede the working hour restrictions in paragraph d of TS 5.2.2. The background for this application is adequately addressed by the NRC Notice of Availability published on December 30, 2008 (73 CFR 79923).

4.0 TECHNICAL ANALYSIS

Dominion has reviewed the SE published on December 30, 2008 (73 CFR 79923) as part of the CLIP Notice for Availability. Dominion has also concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to North Anna Units 1 and 2.

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 certain operating and maintenance personnel, as well as individuals directing those operating and maintenance personnel, health physics and chemistry personnel who are part of the on-site emergency response organization minimum shift complement, the fire brigade member who is responsible for understanding the effects of fire and fire suppressants on safe shutdown capability, and certain security personnel.

The proposed change removes working hour limits 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 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. Along with this LAR, Dominion has submitted a commitment to comply with 10 CFR Part 26 concurrently with the implementation of the Technical Specification changes.

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Determination

Dominion has reviewed the no significant hazards determination published on December 30, 2008 (73 CFR 79923), as part of the CLIP Notice of Availability. Dominion has concluded that the determination presented in the notice is applicable to North Anna Units 1 and 2. Dominion has evaluated the proposed change to the TS using the criteria in 10 CFR 50.92 and has determined that the proposed change does not involve a significant hazards consideration. An analysis of the issue of no significant hazards consideration is presented below:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

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 indicator 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.

Criterion 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

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 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, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

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 the 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 these changes. 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, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the above, Dominion concludes that the proposed change presents 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

A description of the proposed Technical Specification change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on December 30, 2008 (73 CFR 79923). Dominion has reviewed the NRC staff's model SE published on December 30, 2008 (73 CFR 79923) as part of the CLIP Notice of Availability and concluded that the regulatory evaluation section is applicable to North Anna Units 1 and 2.

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 the requirements for managing worker fatigue at operating nuclear power plants.

10 CFR 50.36 provides, among other things, 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 requirements 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.

6.0 ENVIRONMENTAL CONSIDERATION

Dominion has reviewed the environmental evaluation included in the SE published on December 30, 2008 (73 CFR 79923) as part of the CLIP Notice of Availability. Dominion has concluded that the staff's findings presented in the evaluation are applicable to North Anna Units 1 and 2. The proposed amendments change recordkeeping, reporting, or administrative procedures. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment is required in connection with the issuance of the amendments.

7.0 REFERENCES

1. Federal Register Notice, Final Rule 10 CFR Part 26 published on March 31, 2008 (73 CFR 16966)
2. Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26," Revision 0
3. Federal Register Notice, Notice of Availability published on December 30, 2008 (73 CFR 79923)

Attachment 2

(Serial No. 09-083)

Marked-up Technical Specifications Change

**North Anna Power Station
Units 1 and 2
Virginia Electric and Power Company
(Dominion)**

5.2 Organization

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. An auxiliary operator shall be assigned to each reactor containing fuel and an additional auxiliary operator shall be assigned for each control room from which a reactor is operating in MODES 1, 2, 3, or 4.

Two unit sites with both units shutdown or defueled require a total of three auxiliary operators for the two units.

- 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. DELETED

~~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 the plant manager's 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.~~

Attachment 3

(Serial No. 09-083)

Proposed Technical Specifications Change

**North Anna Power Station
Units 1 and 2
Virginia Electric and Power Company
(Dominion)**

5.2 Organization

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. An auxiliary operator shall be assigned to each reactor containing fuel and an additional auxiliary operator shall be assigned for each control room from which a reactor is operating in MODES 1, 2, 3, or 4.

Two unit sites with both units shutdown or defueled require a total of three auxiliary operators for the two units.

- 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. Deleted |

Attachment 4

(Serial No. 09-083)

List of Regulatory Commitments

**North Anna Power Station
Units 1 and 2
Virginia Electric and Power Company
(Dominion)**

List of Regulatory Commitments

1. Removal of the plant specific Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. This commitment will be completed no later than October 1, 2009.