

# WOLF CREEK NUCLEAR OPERATING CORPORATION

Matthew W. Sunseri  
Vice President Operations and Plant Manager

March 6, 2009

WO 09-0005

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

Subject: Docket No. 50-482: License Amendment Request for Adoption of TSTF-511, Rev. 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26"

Gentlemen:

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), Wolf Creek Nuclear Operating Corporation (WCNOC) is submitting a request for an amendment to Renewed Facility Operating License No. NPF-42 for the Wolf Creek Generating Station (WCGS).

The proposed amendment would delete those portions of Technical Specifications (TS) superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical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 Working 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 FR 79923) as part of the consolidated line item improvement process (CLIP).

Attachment I provides an evaluation of the proposed change. Attachment II provides the existing TS pages marked up to show the proposed change. Attachment III provides the proposed TS changes in final typed format. Attachment IV provides a summary of the regulatory commitments made in this submittal.

WCNOC requests approval of the proposed license amendment by August 3, 2009 to support implementation of TS changes concurrent with implementation of the new 10 CFR 26, Subpart I requirements by October 1, 2009.

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This amendment application was reviewed by the Plant Safety Review Committee. In accordance with 10 CFR 50.91, a copy of this amendment application, with attachments, is being provided to the designated Kansas State official.

If you have any questions concerning this matter, please contact me at (620) 364-4008, or Mr. Richard D. Flannigan, Manager Regulatory Affairs at (620) 364-4117.

Sincerely,



Matthew W. Sunseri

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Attachments: I Evaluation of Proposed Change  
II Proposed Technical Specification Change (Mark-up)  
III Proposed Technical Specification Change (Re-typed)  
IV List of Regulatory Commitments

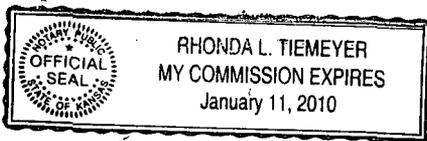
cc: E. E. Collins (NRC), w/a  
T. A. Conley (KDHE), w/a  
V. G. Gaddy (NRC), w/a  
B. K. Singal (NRC), w/a  
Senior Resident Inspector (NRC), w/a

STATE OF KANSAS    )  
                                  ) SS  
COUNTY OF COFFEY )

Matthew W. Sunseri, of lawful age, being first duly sworn upon oath says that he is Vice President Operations and Plant Manager of Wolf Creek Nuclear Operating Corporation; that he has read the foregoing document and knows the contents thereof; that he has executed the same for and on behalf of said Corporation with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By Matthew W. Sunseri  
Matthew W. Sunseri  
Vice President Operations and Plant Manager

SUBSCRIBED and sworn to before me this 6<sup>th</sup> day of March, 2009.



Rhonda L. Tiemeyer  
Notary Public

Expiration Date January 11, 2010

## EVALUATION OF PROPOSED CHANGE

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

## **1.0 DESCRIPTION**

The proposed amendment would delete those portions of Technical Specifications (TS) superseded by 10 CFR 26, Subpart I. This change is consistent with Nuclear Regulatory Commission (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." The availability of this TS improvement was announced in the Federal Register on December 30, 2008 (73 FR 79923) as part of the consolidated line item improvement process (CLIP).

## **2.0 PROPOSED CHANGE**

Consistent with the NRC approved Revision 0 of TSTF-511, the proposed TS changes delete those portions of TS superseded by 10 CFR 26, Subpart I.

This application is being made in accordance with the CLIP. WCNO is not proposing variations or deviations from the TS changes described in TSTF-511, Revision 0, or the NRC staff's model safety evaluation (SE) published on December 30, 2008 (73 FR 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 26. The revised regulations in 10 CFR 26, Subpart I supersede working hour restrictions contained 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 FR 79923).

## **4.0 TECHNICAL ANALYSIS**

WCNO has reviewed the SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. WCNO has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to WCGS.

10 CFR 26, Subpart I, supersedes existing worker fatigue guidance. 10 CFR 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 a 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 imposed in the TSs in order to support compliance with 10 CFR 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 TS requirements will be performed concurrently with the implementation of the 10 CFR 26, Subpart I, requirements, even if the TS change is implemented prior to the October 1, 2009 deadline. Along with this amendment request, WCNOG has provided a commitment to comply with 10 CFR 26 concurrently with the implementation of the TS change.

## **5.0 REGULATORY ANALYSIS**

### **5.1 No Significant Hazards Determination**

WCNOG has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. WCNOG has concluded that the determination presented in the notice is applicable to WCGS. WCNOG has evaluated the proposed changes to the TSs using the criteria in 10 CFR 50.92 and has determined that the proposed changes do not involve a significant hazards consideration. An analysis of the issue of no significant hazards consideration is presented below:

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

**Response:** No

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 26. Removal of the TS requirements will be performed concurrently with the implementation of the 10 CFR 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 amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

**Response:** No

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 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 affect 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.

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

**Response:** No

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 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 TS administrative requirements will not reduce a margin of safety because the requirements in 10 CFR 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 on the above, WCNOG 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 TS change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on December 30, 2008 (73 FR 79923). WCNOG has reviewed the NRC staff's model SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability and concluded that the regulatory evaluation section is applicable to WCGS.

The proposed change eliminates the plant-specific TS administrative controls on working hours. The TS guidance has been superseded by 10 CFR 26.

10 CFR 26, Subpart I, "Managing Fatigue," contains 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 requirement to control working hours and manage fatigue is provided in 10 CFR 26, Subpart I, it is unnecessary for the TS to contain similar controls.

## **6.0 ENVIRONMENTAL CONSIDERATION**

WCNOC has reviewed the environmental evaluation included in the NRC staff's model SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. WCNOC has concluded that the staff's findings presented in that evaluation are applicable to WCGS. The proposed amendment changes recordkeeping, reporting, or administrative procedures. Accordingly, the amendment meets 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 need be prepared in connection with the issuance of the amendment.

## **7.0 REFERENCES**

1. Federal Register Notice (73 FR 16966), "10 CFR Part 26 Fitness for Duty Programs," March 31, 2008.
2. Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26," Revision 0 (ADAMS Accession number ML092610292).
3. Federal Register Notice (73 FR 79923), "Notice of Availability of Model Safety Evaluation, Model No Significant Hazards Determination, and Model Application for Licensees That Wish To Adopt TSTF-511, Revision 0, "Eliminate Working Hour Restrictions From TS 5.2.2 to Support Compliance with 10 CFR Part 26"," December 30, 2008 (ADAMS Accession number ML083180519).

**ATTACHMENT II**  
**PROPOSED TECHNICAL SPECIFICATION CHANGE (MARK-UP)**

5.2 Organization

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5.2.2 Unit Staff (continued)

shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

- c. An individual from the Health Physics Group qualified in radiation protection procedures 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 physics technicians, nuclear station 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.

d. → e. The Superintendent Operations or 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 position shall be manned in MODES 1, 2, 3 or 4, unless the Shift Manager or the individual with a Senior Operator License meets the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.

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**ATTACHMENT III**  
**PROPOSED TECHNICAL SPECIFICATION CHANGE (RE-TYPED)**

## 5.2 Organization

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### 5.2.2 Unit Staff (continued)

shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.

- c. An individual from the Health Physics Group qualified in radiation protection procedures 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. The Superintendent Operations or operations manager shall hold an SRO license.
  - e. 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 position shall be manned in MODES 1, 2, 3 or 4, unless the Shift Manager or the individual with a Senior Operator License meets the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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## 5.0 ADMINISTRATIVE CONTROLS

### 5.3 Unit Staff Qualifications

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- 5.3.1 Each member of the unit staff shall meet or exceed the minimum qualifications of ANSI/ANS 3.1-1978 with the following exceptions:
- 5.3.1.1 The education and experience eligibility requirements for operator license applicants, and changes thereto, shall be those previously reviewed and approved by the NRC, specifically those referenced in letter dated October 7, 2004 (WO 04-0031). The positions of Shift Manager and Control Room Supervisor shall meet or exceed the qualifications of ANSI/ANS 3.1-1981.
  - 5.3.1.2 The Radiation Protection Manager shall be a supervisor with line responsibility for operational health physics who meets or exceeds the qualifications of Regulatory Guide 1.8, September 1975 for a Radiation Protection Manager. The Radiation Protection Manager will be designated by the plant manager.
  - 5.3.1.3 The position of operations manager shall hold or have previously held a senior reactor operator license for a similar unit (PWR).
- 5.3.2 For the purpose of 10 CFR 55.4, a licensed Senior Reactor Operator (SRO) and a licensed reactor operator (RO) are those individuals who, in addition to meeting the requirements of TS 5.3.1, perform the functions described in 10 CFR 50.54(m).
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### LIST OF REGULATORY COMMITMENTS

The following table identifies those actions committed to by WCNOC in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments. Please direct questions regarding these commitments to Mr. Richard Flannigan at (620) 364-4117.

REGULATORY COMMITMENT	DUE DATE/EVENT
Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR 26, Subpart I requirements.	This commitment will be completed no later than October 1, 2009.