



FirstEnergy Nuclear Operating Company

76 South Main Street
Akron, Ohio 44308

Joseph J. Hagan
President and Chief Nuclear Officer

330-761-7895
Fax: 330-384-3799

March 25, 2009
L-09-025

10 CFR 50.90

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

SUBJECT:

Beaver Valley Power Station Unit Nos. 1 and 2
Docket No. 50-334, License No. DPR-66
Docket No. 50-412, License No. NPF-73

Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3
Davis-Besse Independent Spent Fuel Storage Installation
Docket No. 72-14, License No. NPF-3

Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Application for Technical Specification (TS) Change for Adoption of TSTF-511,
Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance
with 10 CFR Part 26"

In accordance with the provisions of 10 CFR 50.90, FirstEnergy Nuclear Operating Company (FENOC) is submitting a request for an amendment to the Technical Specifications for the Beaver Valley Power Station Unit Nos. 1 and 2, the Davis-Besse Nuclear Power Station, and the Perry Nuclear Power Plant.

The proposed amendment would delete those portions of Technical Specifications superseded by 10 CFR Part 26, Subpart I. The enclosure provides the evaluation for the proposed amendment.

Approval of the license amendment is requested prior to September 30, 2009. Removal of the plant-specific Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

Beaver Valley Power Station Unit Nos. 1 and 2
Davis-Besse Nuclear Power Station
Perry Nuclear Power Plant
L-09-025
Page 2 of 2

Regulatory commitments associated with this submittal are included in the attachment. If there are any questions, or if additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 25, 2009.

Sincerely,



Joseph J. Hagan

Attachment:
Regulatory Commitment List

Enclosure:
Evaluation of Proposed Change

cc: NRC Region I Administrator
NRC Region III Administrator
NRC Resident Inspector (Beaver Valley)
NRC Resident Inspector (Davis-Besse)
NRC Resident Inspector (Perry)
NRR Project Manager (Beaver Valley)
NRR Project Manager (Davis-Besse)
NRR Project Manager (Perry)
Director BRP/DEP
Site BRP/DEP Representative
Executive Director, Ohio Emergency Management Agency, State of Ohio
(NRC Liaison)
Utility Radiological Safety Board

Attachment
L-09-025

Regulatory Commitment List
Page 1 of 1

The following list identifies those actions committed to by FirstEnergy Nuclear Operating Company (FENOC) for Beaver Valley Power Station Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant in this document. Any other actions discussed in the submittal represent intended or planned actions by FENOC. They are described only as information and are not Regulatory Commitments. Please notify Mr. Thomas A. Lentz, Manager - Fleet Licensing, at (330) 761-6071 of any questions regarding this document or associated Regulatory Commitments.

Regulatory Commitment

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.

Due Date

This commitment will be completed no later than October 1, 2009.

Evaluation of Proposed Change
Page 1 of 6

Subject: Application for Technical Specification (TS) Change for Adoption of TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26"

1.0 DESCRIPTION

2.0 PROPOSED CHANGE

3.0 BACKGROUND

4.0 TECHNICAL ANALYSIS

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Determination

5.2 Applicable Regulatory Requirements/Criteria

6.0 ENVIRONMENTAL CONSIDERATION

7.0 REFERENCES

Attachments

- 1. Proposed Technical Specification Changes (Mark-Up)**
- 2. Proposed Technical Specification Changes (Re-Typed)**

1.0 DESCRIPTION

The proposed amendment would delete those portions of Technical Specifications (TS) superseded by 10 CFR Part 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." Minor differences between the proposed plant specific TS changes, and the changes proposed by TSTF-511 are listed in Section 2.0. 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 Part 26, Subpart I.

This application is being made in accordance with the CLIP. FirstEnergy Nuclear Operating Company (FENOC) is proposing the following minor deviations from the TS changes described in TSTF-511, Revision 0. These deviations are administrative and do not affect the applicability of the proposed change.

1. Requirements to be removed from TS will be marked "Deleted" and subsequent requirements will not be renumbered.
2. Requirements for working hour restrictions are located in paragraph e of Perry Nuclear Power Plant TS 5.2.2 rather than paragraph d of TS 5.2.2 as indicated in TSTF-511, Revision 0. Therefore, the portion of Perry Nuclear Power Plant TS superseded by 10 CFR Part 26, Subpart I, is TS 5.2.2.e. TS 5.2.2.e will be deleted from Perry Nuclear Power Plant TS.
3. Perry Nuclear Power Plant TS requirements 5.2.2.f and 5.2.2.g will be moved from TS page 5.0-3a to TS page 5.0-3, and page 5.0-3a will be removed from the TS.

FENOC is not proposing any other variations or deviations from 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 Part 26. The revised regulations in 10 CFR Part 26, Subpart I supersede working hour restrictions contained in paragraph d of TS 5.2.2 for Beaver Valley Power Station Unit Nos. 1 and 2 (DPR-66 and NPF-73) and Davis-Besse Nuclear Power Station (NPF-3) and paragraph e of TS 5.2.2 for Perry

Nuclear Power Plant (NPF-58). 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

FENOC has reviewed the SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. FENOC has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to Beaver Valley Power Station Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant.

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 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 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 license amendment request (LAR), FENOC has submitted a commitment to comply with 10 CFR Part 26 concurrently with the implementation of the Technical Specification change.

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Determination

FENOC has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. FENOC has concluded that the determination presented in the notice is applicable to Beaver Valley Power Station Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant. FENOC has evaluated the proposed changes to the TS 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:

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 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.

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

Based on the above, FENOC 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). FENOC has reviewed the NRC staff's model SE published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability and concluded that the regulatory evaluation section is applicable to Beaver Valley Power Station Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant.

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 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 Part 26, Subpart I, it is unnecessary for the Technical Specifications to contain similar controls.

6.0 ENVIRONMENTAL CONSIDERATION

FENOC has reviewed the environmental evaluation included in the SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. FENOC has concluded that the staff's findings presented in that evaluation are applicable to Beaver Valley Power Station Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, and Perry Nuclear Power Plant. 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, Final Rule 10 CFR Part 26 published on March 31, 2008 (73 FR 16966).
2. TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."
3. *Federal Register* Notice, Notice of Availability published on December 30, 2008 (73 FR 79923).

**PROPOSED TECHNICAL SPECIFICATION CHANGES
(MARK-UP)**

No Change proposed. Included for context.

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for unit operation and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting safety of the nuclear power plant.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all operating organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications shall be documented in the Unit 2 UFSAR.
- b. The plant manager shall be responsible for overall safe operation of the plant and shall have control over those onsite activities necessary for safe operation and maintenance of the plant,
- c. A corporate officer with direct responsibility for the plant shall have corporate responsibility for overall plant nuclear safety and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the plant to ensure nuclear safety, and
- d. The individuals who train the operating staff, carry out radiation protection, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their independence from operating pressures.

5.2.2 Unit Staff

The unit staff organization shall include the following:

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

5.2 Organization

5.2.2 Unit Staff (continued)

c. An individual 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.

Deleted. → ~~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), radiation control technicians, auxiliary operators, and key maintenance personnel).~~

~~The controls shall include guidelines on working hours that ensure adequate shift coverage is 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.~~

e. The operations manager shall either hold an SRO license or have held an SRO license for a pressurized water reactor. The assistant operations manager shall hold a current SRO license.

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. A single qualified person can be used to satisfy this position for both units.

No change proposed. Included for context.

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for unit operation and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting safety of the nuclear power plant.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all operating organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the UFSAR.
- b. The plant manager shall be responsible for overall safe operation of the plant and shall have control over those onsite activities necessary for safe operation and maintenance of the plant.
- c. A specified corporate officer shall have corporate responsibility for overall plant nuclear safety and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the plant to ensure nuclear safety.
- d. The individuals who train the operating staff, carry out health physics, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their independence from operating pressures.

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be assigned if the reactor contains fuel and an additional non-licensed operator shall be assigned if the reactor is operating in MODES 1, 2, 3, or 4;
- b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and Specifications 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;

5.2 Organization

5.2.2 Unit Staff (continued)

- 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;

Deleted; d. ~~Administrative controls shall be developed and implemented to limit the working hours of personnel who perform safety related functions (e.g., licensed Senior Operators, licensed Operators, 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 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 such that the individual overtime shall be reviewed monthly by the plant manager or designee to ensure that excessive hours have not been assigned.~~

- e. The operations manager shall either hold or have held a Senior Operator license. The assistant operations manager shall hold a Senior Operator license for the Davis-Besse Nuclear Power Station; and
- f. When the reactor is operating in MODE 1, 2, 3, or 4 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 (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be on site when fuel is in the reactor vessel, and an additional non-licensed operator shall be on site while the unit is in MODE 1, 2, or 3.
- b. Deleted te
- c. Shift crew composition may be one less than the minimum requirements of 10 CFR 50.54(m)(2)(i) and Specifications 5.2.2.a and 5.2.2.g for a period of time not to exceed two 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.
- d. 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. te

e. Deleted. ~~Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions (e.g., licensed SROs, licensed ROs, radiation protection technicians, auxiliary operators, and key maintenance personnel). The procedures shall include guidelines on working hours that ensure that adequate shift coverage is maintained without routine heavy use of overtime.~~

~~Any deviation from the working hour guidelines shall be authorized in advance by the Plant Manager or his designees, in accordance with approved administrative procedures, or by 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 the individual overtime shall be reviewed monthly by the Plant Manager or his designees to ensure that excessive hours have not been assigned. Routine deviation from the working hour guidelines is not authorized.~~

(continued)

5.2 Organization

5.2.2 Unit Staff (continued)

- f. The operations manager or at least one operations middle manager shall hold an SRO license.
- g. The shift technical advisor (STA) shall provide advisory technical support to the shift supervisor (SS) in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit.

In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on shift. The STA position may be filled by an on-shift SS or SRO provided the individual meets the Commission Policy Statement on Engineering Expertise on shift.

PROPOSED TECHNICAL SPECIFICATION CHANGES
(RE-TYPED)

5.2 Organization

5.2.2 Unit Staff (continued)

- c. An individual 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. Deleted.
 - e. The operations manager shall either hold an SRO license or have held an SRO license for a pressurized water reactor. The assistant operations manager shall hold a current SRO license.
 - 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. A single qualified person can be used to satisfy this position for both units.
-

5.2 Organization

5.2.2 Unit Staff (continued)

- 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;
 - e. The operations manager shall either hold or have held a Senior Operator license. The assistant operations manager shall hold a Senior Operator license for the Davis-Besse Nuclear Power Station; and
 - f. When the reactor is operating in MODE 1, 2, 3, or 4 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 (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be on site when fuel is in the reactor vessel, and an additional non-licensed operator shall be on site while the unit is in MODE 1, 2, or 3.
- b. Deleted
- c. Shift crew composition may be one less than the minimum requirements of 10 CFR 50.54(m)(2)(i) and Specifications 5.2.2.a and 5.2.2.g for a period of time not to exceed two 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.
- d. 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.
- e. Deleted
- f. The operations manager or at least one operations middle manager shall hold an SRO license.
- g. The shift technical advisor (STA) shall provide advisory technical support to the shift supervisor (SS) in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit.

In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on shift. The STA position may be filled by an on-shift SS or SRO provided the individual meets the Commission Policy Statement on Engineering Expertise on shift.

March 25, 2009
L-09-025

10 CFR 50.90

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

SUBJECT:

Beaver Valley Power Station Unit Nos. 1 and 2
Docket No. 50-334, License No. DPR-66
Docket No. 50-412, License No. NPF-73

Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3
Davis-Besse Independent Spent Fuel Storage Installation
Docket No. 72-14, License No. NPF-3

Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Application for Technical Specification (TS) Change for Adoption of TSTF-511,
Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance
with 10 CFR Part 26"

In accordance with the provisions of 10 CFR 50.90, FirstEnergy Nuclear Operating Company (FENOC) is submitting a request for an amendment to the Technical Specifications for the Beaver Valley Power Station Unit Nos. 1 and 2, the Davis-Besse Nuclear Power Station, and the Perry Nuclear Power Plant.

The proposed amendment would delete those portions of Technical Specifications superseded by 10 CFR Part 26, Subpart I. The enclosure provides the evaluation for the proposed amendment.

Approval of the license amendment is requested prior to September 30, 2009. Removal of the plant-specific Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

Beaver Valley Power Station Unit Nos. 1 and 2
Davis-Besse Nuclear Power Station
Perry Nuclear Power Plant
L-09-025
Page 2 of 2

Regulatory commitments associated with this submittal are included in the attachment. If there are any questions, or if additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 761-6071.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March ____, 2009.

Sincerely,

Joseph J. Hagan

Attachment:
Regulatory Commitment List

Enclosure:
Evaluation of Proposed Change

cc: NRC Region I Administrator
NRC Region III Administrator
NRC Resident Inspector (Beaver Valley)
NRC Resident Inspector (Davis-Besse)
NRC Resident Inspector (Perry)
NRR Project Manager (Beaver Valley)
NRR Project Manager (Davis-Besse)
NRR Project Manager (Perry)
Director BRP/DEP
Site BRP/DEP Representative
Executive Director, Ohio Emergency Management Agency, State of Ohio
(NRC Liaison)
Utility Radiological Safety Board