



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 12, 2009

Mr. John T. Carlin
Vice President R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT - AMENDMENT RE: TSTF-511,
"ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT
COMPLIANCE WITH 10 CFR PART 26" (TAC NO. ME0897)

Dear Mr. Carlin:

The Commission has issued the enclosed Amendment No. 108 to Renewed Facility Operating License No. DPR-18 for the R.E. Ginna Nuclear Power Plant. This amendment is in response to your application dated March 23, 2009.

The amendment deletes paragraph d of Technical Specification (TS) 5.2.2, "Plant Staff," regarding working hour restrictions. The amendment is consistent with Nuclear Regulatory Commission (NRC) approved Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR [Title 10 of the *Code of Federal Regulations*] 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 (CLIIP).

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink that reads "Douglas V. Pickett".

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosures:

1. Amendment No. 108 to Renewed License No. DPR-18
2. Safety Evaluation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

R.E. GINNA NUCLEAR POWER PLANT, LLC

DOCKET NO. 50-244

R.E. GINNA NUCLEAR POWER PLANT

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 108
Renewed License No. DPR-18

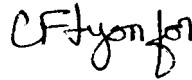
1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by the R.E. Ginna Nuclear Power Plant, LLC (the licensee) dated March 23, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. DPR-18 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 108, are hereby incorporated in the renewed license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented with the implementation of the new 10 CFR Part 26, Subpart I requirements.

FOR THE NUCLEAR REGULATORY COMMISSION



Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and Technical
Specifications

Date of Issuance: August 12, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 108

RENEWED FACILITY OPERATING LICENSE NO. DPR-18

DOCKET NO. 50-244

Replace the following page of the Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

3

Insert

3

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

5.2-1

5.2-2

Insert

5.2-1

5.2-2

- (b) Pursuant to the Act and 10 CFR Part 70, to possess and use four (4) mixed oxide fuel assemblies in accordance with the RG&E's application dated December 14, 1979 (transmitted by letter dated December 20, 1979), as supplemented February 20, 1980, and March 5, 1980;
 - (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:
- (1) Maximum Power Level

Ginna LLC is authorized to operate the facility at steady-state power levels up to a maximum of 1775 megawatts (thermal).
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 108, are hereby incorporated in the renewed license. The licensee shall operate the facility in accordance with the Technical Specifications.
 - (3) Fire Protection
 - (a) The licensee shall implement and maintain in effect all fire protection features described in the licensee's submittals referenced in and as approved or modified by the NRC's Fire Protection Safety Evaluation (SE) dated February 14, 1979, and

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization

5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for plant operation and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting the 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 report to the corporate vice president specified in 5.2.1.c, 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; and
- c. A corporate vice president 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

Plant Staff

The plant staff organization shall include the following:

- a. An auxiliary operator shall be assigned to the shift crew with fuel in the reactor. An additional auxiliary operator shall be assigned to the shift crew while the plant is in MODE 1, 2, 3 or 4.
 - b. Shift crew composition may be one 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.
 - 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 or operations middle manager shall hold a SRO license.
 - f. 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 plant. The STA shall be assigned to the shift crew while the plant is in MODE 1, 2, 3 or 4 and shall meet the qualifications contained in the STA training program specified in UFSAR Section 13.2.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 108 TO RENEWED FACILITY

OPERATING LICENSE NO. DPR-18

R.E. GINNA NUCLEAR POWER PLANT, LLC

R.E. GINNA NUCLEAR POWER PLANT

DOCKET NO. 50-244

1.0 INTRODUCTION

By application dated March 23, 2009, (Agency Wide Document Management System (ADAMS) Accession No. ML090890191), R.E. Ginna Nuclear Power Plant, LLC, the licensee, requested changes to the Technical Specifications (TSs) for the R.E. Ginna Nuclear Power Plant (Ginna). The proposed changes would delete paragraph d of TS 5.2.2, "Plant Staff," regarding working hour restrictions.

The licensee stated that the application is consistent with Nuclear Regulatory Commission (NRC) approved Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR [Title 10 of the *Code of Federal Regulations*] 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 (CLIIP).

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). 10 CFR Part 26, Subpart I provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's regulatory requirements related to the content of the TSs are contained in 10 CFR 50.36. 10 CFR 50.36 requires that the TSs include items in the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC's guidance for the format and content of licensee TSs can be found in NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants," referred to as Standard Technical Specifications (STS). Section 5 of STS contains administrative controls. Paragraph d

of Section 5.2.2 of STS contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents NRC's guidance on how licensee TS requirements should address work hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements found in Paragraph d of Section 5.2.2 of all STS. Subpart I distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511 proposed a change to STS that would delete paragraph d of STS 5.2.2. This change was approved in a *Federal Register* notice on December 30, 2008 (73 FR 79923).

2.1 Adoption of TSTF-511, Revision 0, by Ginna

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I will provide reasonable assurance that the licensee will maintain limits on the working hours of personnel who perform safety-related functions. The licensee has committed to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for the Ginna facility are currently located in paragraph d of TS 5.2.2. When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements found in paragraph d of the Ginna TS.

The licensee proposed deleting paragraph d of TS 5.2.2. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls. The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment is best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff"). The above regulatory commitment does not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

Paragraph d of Ginna's TS 5.2.2 differs from TSTF-511, Revision 0. TSTF-511, STS 5.2.2, Paragraph d states the following:

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.

Ginna's paragraph d of TS 5.2.2 states:

The amount of overtime worked by plant staff members performing safety related functions shall be limited and controlled in accordance with a NRC approved program specified in plant procedures changes to the guidelines in these procedures shall be submitted to the NRC for review.

This difference is acceptable, as the intent of TSTF-511 is to delete Technical Specifications superseded by the revised regulations in 10 CFR Part 26, Subpart I.

The NRC staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in Section 2.0. The staff also compared the proposed change to the change made to STS by TSTF-511. The staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I concurrently with the deletion of TS work hour control requirements in its evaluation of the proposed change. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at Ginna. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the staff finds the proposed change acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The 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.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (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 issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. R.E. Ginna Licensee Amendment Request to adopt TSTF-511, March 23, 2009.
2. *Federal Register* Notice, Notice of Availability published on December 30, 2008 (73 FR 79923).
3. TSTF-511 Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

Principal Contributor: Jennifer Gall, Kristy Bucholtz

Date: August 12, 2009

August 12, 2009

Mr. John T. Carlin
Vice President R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT - AMENDMENT RE: TSTF-511,
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Sincerely,
/RA/
Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

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- 2. Safety Evaluation

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Amendment No.: ML090970310

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