



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001  
May 7, 2009

Mr. Dale E. Young, Vice President  
Crystal River Nuclear Plant (NA1B)  
ATTN: Supervisor, Licensing & Regulatory Programs  
15760 W. Power Line Street  
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER UNIT 3 - ISSUANCE OF AMENDMENT REGARDING  
ELIMINATION OF WORK HOUR CONTROLS TO SUPPORT COMPLIANCE  
WITH REVISED PART 26 OF TITLE 10 OF THE *CODE OF FEDERAL  
REGULATIONS* (TAC NO. MD9814)

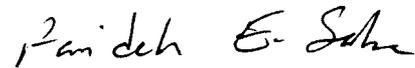
Dear Mr. Young:

The Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Amendment No. 233 to Facility Operating License No. DPR-72 for Crystal River, Unit 3 (CR-3) in response to your application dated October 6, 2008 (Agencywide Documents Access and Management System Accession No. ML082830137). The amendment removes work hour controls and/or references to the NRC Generic Letter 82-12 from the administrative control sections of the technical specifications.

On April 17, 2007, the NRC approved a final rule that amended Part 26 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 26) and, among other changes, established requirements for managing worker fatigue at operating nuclear power plants. Subpart I, "Managing Fatigue," of 10 CFR Part 26 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 (73 FR 16966), with a required implementation period of 18 months. Compliance is, therefore, required by October 1, 2009. In order to support compliance with 10 CFR Part 26, Subpart I, the licensee requested to eliminate these work hour controls from Technical Specification 5.2.2.e at the CR-3.

A copy of the safety evaluation is enclosed. The notice of issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink that reads "Farideh E. Saba". The signature is written in a cursive style with a large initial 'F'.

Farideh E. Saba, Senior Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosures:

1. Amendment No. 233 to Facility  
Operating License No. DPR-72
2. Safety Evaluation

cc w/enclosures: Distribution via ListServ



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

FLORIDA POWER CORPORATION

CITY OF ALACHUA

CITY OF BUSHNELL

CITY OF GAINESVILLE

CITY OF KISSIMMEE

CITY OF LEESBURG

CITY OF NEW SMYRNA BEACH AND UTILITIES COMMISSION,

CITY OF NEW SMYRNA BEACH

CITY OF OCALA

ORLANDO UTILITIES COMMISSION AND CITY OF ORLANDO

SEMINOLE ELECTRIC COOPERATIVE, INC.

DOCKET NO. 50-302

CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 233  
License No. DPR-72

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Florida Power Corporation, et al. (the licensees), dated October 6, 2008, 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 Facility Operating License No. DPR-72 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 233 , are hereby incorporated in the license. Florida Power Corporation shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented no later than October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas H. Boyce, Chief  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Operating License  
and Technical Specifications

Date of Issuance: May 7, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 233

FACILITY OPERATING LICENSE NO. DPR-72

DOCKET NO. 50-302

Replace the following page of Facility Operating License No. DPR-72 with the attached revised page. The revised page is identified by amendment number and contains a vertical line indicating the area of change.

Remove  
4

Insert  
4

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 a vertical line indicating the area of change.

Remove  
5.0-3

Insert  
5.0-3

of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

2.C.(1) Maximum Power Level

Florida Power Corporation is authorized to operate the facility at a steady state reactor core power level not in excess of 2609 Megawatts (100 percent of rated core power level).

2.C.(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 233, are hereby incorporated in the license. Florida Power Corporation shall operate the facility in accordance with the Technical Specifications.

The Surveillance Requirements contained in the Appendix A Technical Specifications and listed below are not required to be performed immediately upon implementation of Amendment 149. The Surveillance Requirements shall be successfully demonstrated prior to the time and condition specified below for each.

- a) SR 3.3.8.2.b shall be successfully demonstrated prior to entering MODE 4 on the first plant start-up following Refuel Outage 9.
- b) SR 3.3.11.2, Function 2, shall be successfully demonstrated no later than 31 days following the implementation date of the ITS.
- c) SR 3.3.17.1, Functions 1, 2, 6, 10, 14, & 17 shall be successfully demonstrated no later than 31 days following the implementation date of the ITS.
- d) SR 3.3.17.2, Function 10 shall be successfully demonstrated prior to entering MODE 3 on the first plant start-up following Refuel Outage 9.
- e) SR 3.6.1.2 shall be successfully demonstrated prior to entering MODE 2 on the first plant start-up following Refuel Outage 9.
- f) SR 3.7.12.2 shall be successfully demonstrated prior to entering MODE 2 on the first plant start-up following Refuel Outage 9.
- g) SR 3.8.1.10 shall be successfully demonstrated prior to entering MODE 2 on the first plant start-up following Refuel Outage 9.
- h) SR 3.8.3.3 shall be successfully demonstrated prior to entering MODE 4 on the first plant start-up following Refuel Outage 9.

### 5.3 Organization

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#### 5.2.2 Unit Staff (continued)

an additional auxiliary nuclear operator shall be assigned in MODES 1, 2, 3 and 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 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. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
  - d. 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.
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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. 233 TO FACILITY OPERATING LICENSE NO. DPR-72  
FLORIDA POWER CORPORATION, ET AL.  
CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT  
DOCKET NO. 50-302

## 1.0 INTRODUCTION

By letter dated October 6, 2008, (Agencywide Document and Management System (ADAMS) Accession No. ML082830137), the Florida Power Corporation (the licensee) requested changes to the Technical Specifications (TSs) for Crystal River Unit 3 (CR-3). The amendment removes work hour controls and/or references to the Nuclear Regulatory Commission (NRC or the Commission) Generic Letter (GL) 82-12 "Nuclear Power Plant Staff Working Hours," from the administrative control sections of the TSs.

On April 17, 2007, the NRC approved a final rule that amended Part 26 of Title 10 of *Code of Federal Regulations* (10 CFR Part 26) and, among other changes, established requirements for managing worker fatigue at operating nuclear power plants. Subpart I, "Managing Fatigue," of 10 CFR Part 26 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 (73 FR 16966), with a required implementation period of 18 months. Compliance is, therefore, required by October 1, 2009. In order to support compliance with 10 CFR Part 26, Subpart I, the licensee requested to eliminate these work hour controls from TS 5.2.2.e at CR-3.

The NRC staff's proposed no significant hazards consideration determination as published in the *Federal Register* on January 27, 2009 (74 FR 4773).

## 2.0 REGULATORY EVALUATION

On June 15, 1982, the NRC staff issued GL 82-12, which was a revision of past guidance and discussions regarding the limitation of work hours to mitigate worker fatigue and the impact of fitness-for-duty on safety. GL 82-12 established overtime guidance for work hours beyond a normal 8-hour day, 40-hour week. Issued prior to GL 82-12, GL 82-02, "Nuclear Power Plant Staff Working Hours," requested that all licensees revise the administrative section of their TSs to require that administrative procedures follow policy guidelines. GL 82-12 invoked this request. References to GL 82-12 were incorporated into the CR-3 TSs in accordance with 10 CFR 50.36, "Technical Specifications."

On April 17, 2007, the NRC approved a final rule amending 10 CFR Part 26 in the Commission Paper, SECY-06-0244 (ADAMS Accession No. ML071070362), "Final Rulemaking - 10 CFR Part 26 – Fitness-for-Duty Programs." The regulations in 10 CFR Part 26, Subpart I, specifically address managing worker fatigue by designating individual break requirements, work hour limits, and annual reporting requirements. The rule was published in the *Federal Register* on March 31, 2008 (73 FR 16966), with required implementation no later than October 1, 2009.

### 3.0 TECHNICAL EVALUATION

The proposed changes remove references to and limits provided by GL 82-12 from the administrative controls sections of CR-3's TSs. The requirements established by 10 CFR Part 26, Subpart I, supersede GL 82-12 guidance. Subpart I of 10 CFR Part 26 strengthens requirements for both work hour controls and fatigue management. Requirements in the rule include work hour limitations for rolling 24-hour, 48-hour, and 7-day periods, which were imposed by GL 82 12. The rule also includes a required minimum break between work periods and varying required minimum days off. Additionally, 10 CFR Part 26, Subpart I, restricts the use of waivers used to deviate from requirements to situations where noncompliance with the regulations is necessary to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. The scope of the rule's requirements includes operating and maintenance personnel, as well as those directing operating and maintenance personnel, 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 changes remove references to and limits provided by GL 82-12 from the administrative controls section of the TSs to support compliance with 10 CFR Part 26, Subpart I. Upon implementation, federal regulations will govern the requirements associated with work hour controls and fatigue management at CR-3. The work hour controls and fatigue management requirements were incorporated into the *Code of Federal Regulations*; therefore, it is unnecessary to have work hour control requirements in the administrative control section of the TSs. As required by the rule (73 FR 16966), licensees must implement the requirements of 10 CFR Part 26, Subpart I, no later than October 1, 2009.

The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I, concurrent with the deletion of the TSs references to GL 82-12. The commitment ensures work hour controls will be in effect continuously, either through the current TSs requirements or through the requirements of 10 CFR Part 26, Subpart I. Due to this commitment and since 10 CFR Part 26, Subpart I, supersedes GL 82-12 guidance, the staff finds the removal of references to GL 82-12 guidance from the TSs acceptable.

### 4.0 STATE CONSULTATION

Based upon a letter dated May 2, 2003, from Michael N. Stephens of the Florida Department of Health, Bureau of Radiation Control, to Brenda L. Mozafari, NRC Senior Project Manager, the State of Florida does not desire notification of issuance of license amendments.

## 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The NRC has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (74 FR 4773). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). 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 NRC 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Kamishan Martin

Date: May 7, 2009

A copy of the safety evaluation is enclosed. The notice of issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

*/RA/*

Farideh E. Saba, Senior Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosures:

1. Amendment No. 233 to Facility  
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NRR-058

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\* by memo

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