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April 15, 2009

L-XE-09-006  
10 CFR 50.90

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
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Prairie Island Nuclear Generating Plant,  
Units 1 and 2  
Dockets 50-282, 50-306  
License Nos. DPR-42 and DPR-60

Monticello Nuclear Generating Plant  
Docket 50-263  
Renewed License No. DPR-22

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"

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), Northern States Power, a Minnesota corporation (NSPM) is submitting requests for amendments to the Technical Specifications (TS) for Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP) and Monticello Nuclear Generating Plant (MNGP).

The proposed amendment would delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with the Nuclear Regulatory Commission (NRC) approved Revision 0 to Technical Specification Task Force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", except that a minor difference in TS 5.2.2 paragraph lettering is proposed. 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).

Enclosure 1 provides an evaluation of the proposed change. Enclosure 2 provides the existing TS pages marked up to show the proposed change for PINGP. Enclosure 3 provides the existing TS pages marked up to show the proposed change for MNGP. Enclosure 4 provides the proposed TS changes in final typed format for PINGP. Enclosure 5 provides the proposed TS changes in final typed format for MNGP.

NSPM requests approval of the proposed license amendments by September 1, 2009, to support implementation of TS changes concurrent with implementation of the new 10 CFR 26, Subpart I requirements by October 1, 2009. In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated Minnesota Official.

If you should have any questions regarding this submittal, please contact Mr. Dale Vincent, P.E., at 651-388-1121.

Summary of Commitments

This letter contains no revisions to existing commitments. This letter contains the following new commitment:

Removal of the plant-specific TS 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.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on April 15, 2009.



Gabor Salamon  
Director, Nuclear Licensing and Emergency Preparedness  
Northern States Power Company - Minnesota

Enclosures (5)

cc: Administrator, Region III, USNRC  
Project Manager, PINGP, USNRC  
Resident Inspector, PINGP, USNRC  
Project Manager, MNGP, USNRC  
Resident Inspector, MNGP, USNRC  
State of Minnesota

## **ENCLOSURE 1**

### **Evaluation of the Proposed Changes**

#### **License Amendment Request (LAR) for Adoption of TSTF-511, Rev. 0, "Eliminate Working Hour Restrictions From TS 5.2.2 To Support Compliance With 10 CFR Part 26"**

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## **1. DESCRIPTION**

The proposed amendment would delete those portions of the 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 (CLIIP).

## **2. 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 CLIIP. Northern States Power, a Minnesota company (NSPM) is 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 CLIIP Notice of Availability. NSPM proposes to retain TS 5.2.2 paragraph (d.) as "Not Used" and retain the current lettering for paragraphs (e.) and (f.) in the TS for both the Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP) and the Monticello Nuclear Generating Plant (MNGP).

## **3. 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. The background for this application is adequately addressed by the NRC Notice of Availability published on December 30, 2008 (73 FR 79923).

## **4. TECHNICAL ANALYSIS**

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

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 LAR, NSPM 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**

Northern States Power, a Minnesota corporation (NSPM) has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. NSPM has concluded that the determination presented in the notice is applicable to PINGP and MNGP. NSPM 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 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, Northern States Power, a Minnesota corporation, 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). NSPM 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 PINGP and MNGP.

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. ENVIRONMENTAL CONSIDERATION

NSPM has reviewed the environmental evaluation included in the safety evaluation (SE) published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. NSPM has concluded that the staff's findings presented in that evaluation are applicable to PINGP and MNGP. 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. REFERENCES**

1. Federal Register Notice, Final Rule 10 CFR Part 26 published on March 31, 2008.
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).



**ENCLOSURE 2**

**Prairie Island Nuclear Generating Plant  
Technical Specification Pages (Markup)**

5.0-3  
5.0-4

2 pages follow

5.2 Organization (continued)

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5.2.2 Plant Staff

The plant staff organization shall include the following:

- a. An operator to perform non-licensed duties shall be assigned to each reactor containing fuel and one additional operator to perform non-licensed duties shall be assigned when either or both reactors are 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.
- c. An individual qualified in radiation protection procedures shall be on site when fuel is in a 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. ~~Not Used. Administrative procedures shall be developed and implemented to limit the working hours of personnel who perform safety related functions (e.g., licensed SROs, licensed ROs, health physicists, auxiliary operators, and key maintenance personnel).~~

~~The procedures shall include guidelines on working hours that ensure adequate shift coverage shall be maintained without routine heavy use of overtime.~~

~~Any deviation from the working hour 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.~~

~~Controls shall be included in the procedures to require a periodic independent review be conducted to ensure that excessive hours~~

5.2 Organization

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5.2.2 Plant Staff (continued)

~~have not been assigned. Routine deviation from the working hour guidelines shall not be authorized.~~

- e. The operations manager or assistant operations manager shall hold an SRO license. In addition, the duty shift manager shall hold an SRO license.
  - f. In MODES 1, 2, 3, and 4, the shift technical advisor 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.
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**ENCLOSURE 3**

**Monticello Nuclear Generating Plant  
Technical Specification Page (Markup)**

5.2-2

1 page follows

## 5.2 Organization

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### 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. ~~Not Used. Administrative procedures 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, non-licensed 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.~~

- e. The operations manager shall hold a Senior Operator license or shall formerly have held a Senior Operator license. If the operations manager does not hold a Senior Operator license, another member of plant management shall hold a Senior Operator license and shall be assigned to the plant operations group on a long term basis (approximately 2 years). This individual shall not be assigned to a rotating shift.
  - 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.
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**ENCLOSURE 4**

**Prairie Island Nuclear Generating Plant  
Technical Specification Pages (Retyped)**

5.0-3  
5.0-4

2 pages follow

5.2 Organization (continued)

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5.2.2 Plant Staff

The plant staff organization shall include the following:

- a. An operator to perform non-licensed duties shall be assigned to each reactor containing fuel and one additional operator to perform non-licensed duties shall be assigned when either or both reactors are 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.
- c. An individual qualified in radiation protection procedures shall be on site when fuel is in a 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. Not Used.

5.2 Organization

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5.2.2 Plant Staff (continued)

- e. The operations manager or assistant operations manager shall hold an SRO license. In addition, the duty shift manager shall hold an SRO license.
  - f. In MODES 1, 2, 3, and 4, the shift technical advisor 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.
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**ENCLOSURE 5**

**Monticello Nuclear Generating Plant  
Technical Specification Page (Retyped)**

5.2-2

1 page follows

## 5.2 Organization

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### 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. Not Used.
  - e. The operations manager shall hold a Senior Operator license or shall formerly have held a Senior Operator license. If the operations manager does not hold a Senior Operator license, another member of plant management shall hold a Senior Operator license and shall be assigned to the plant operations group on a long term basis (approximately 2 years). This individual shall not be assigned to a rotating shift.
  - 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.
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