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April 23, 2009

U. S. Nuclear Regulatory Commission  
Washington, DC 20555

**ATTENTION:** Document Control Desk

**SUBJECT:** Calvert Cliffs Nuclear Power Plant  
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318  
License Amendment Request for Adoption of TSTF-511, Revision 0, "Eliminate  
Working Hour Restrictions from Technical Specification 5.2.2 to Support  
Compliance with 10 CFR Part 26"

In accordance with the provisions of 10 CFR 50.90, Calvert Cliffs Nuclear Power Plant, Inc. is submitting a request for an amendment to Renewed Operating Licenses DPR-53 and DPR-69. The proposed amendment would delete those portions of the Technical Specifications superseded by 10 CFR Part 26, Subpart I. This change is consistent with Nuclear Regulatory Commission-approved Revision 0 to Technical Specification Task Force Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The availability of this Technical Specification improvement was announced in the Federal Register on December 30, 2008 (73 FR 79923) as part of the Consolidated Line Item Improvement Process.

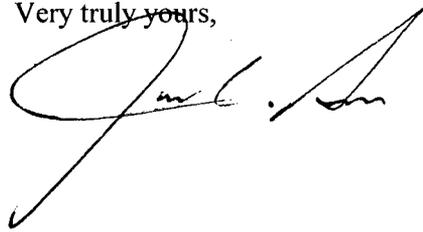
Attachment (1) provides an evaluation of the proposed change. Attachment (2) provides the existing Technical Specification pages marked up to show the proposed change.

We request approval of the proposed license amendment by October 1, 2009, to support implementation of Technical Specification changes concurrent with implementation of the new 10 CFR Part 26, Subpart I. An implementation period consistent with site implementation of the new rule is requested.

A001  
NRR

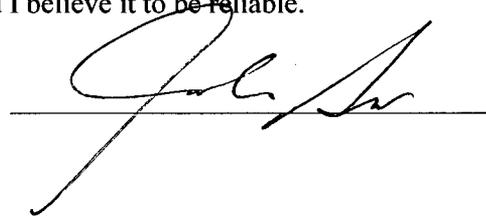
Should you have questions regarding this matter, please contact Mr. Jay S. Gaines at (410) 495-5219.

Very truly yours,



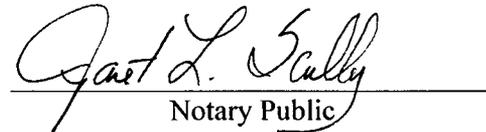
STATE OF MARYLAND :  
: TO WIT:  
COUNTY OF CALVERT :

I, James A. Spina, being duly sworn, state that I am Vice President - Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP), and that I am duly authorized to execute and file this License Amendment Request on behalf of CCNPP. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other CCNPP employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.



Subscribed and sworn before me, a Notary Public in and for the State of Maryland and County of St. Mary's, this 23<sup>rd</sup> day of April, 2009.

**WITNESS** my Hand and Notarial Seal:



Notary Public

My Commission Expires:

March 1, 2011  
Date

JAS/RDW/bjd

Attachments: (1) Evaluation of Proposed Change  
(2) Proposed Technical Specification Change (Mark-Up)

cc: D. V. Pickett, NRC  
S. J. Collins, NRC

Resident Inspector, NRC  
S. Gray, DNR

## ATTACHMENT (1)

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### EVALUATION OF PROPOSED CHANGE

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**EVALUATION OF PROPOSED CHANGE**

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**1.0 DESCRIPTION**

The proposed amendment would delete those portions of the Technical Specifications 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." The availability of this Technical Specification 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 PROPOSED CHANGE**

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

This application is being made in accordance with the CLIIP. Calvert Cliffs Nuclear Power Plant (Calvert Cliffs) is not proposing variations or deviations from the Technical Specification changes described in TSTF-511, Revision 0, or the NRC staff's model safety evaluation published on December 30, 2008, (73 FR 79923) as part of the CLIIP Notice of Availability.

**3.0 BACKGROUND**

The NRC issued a Federal Register notice (73 FR 16966, March 31, 2008) for 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 e of Technical Specification 5.2.2. The background for this application is adequately addressed by the NRC Notice of Availability published on December 30, 2008 (73 FR 79923).

**4.0 TECHNICAL ANALYSIS**

Calvert Cliffs has reviewed the safety evaluation published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. Calvert Cliffs has concluded that the technical justifications presented in the safety evaluation prepared by the NRC staff are applicable to Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2. Existing worker fatigue guidance is superseded by 10 CFR Part 26, Subpart I. Subpart I of 10 CFR Part 26, 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.

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Removal of the Technical Specification 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.

**5.0 REGULATORY SAFETY ANALYSIS**

**5.1 No Significant Hazards Determination**

Calvert Cliffs has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. We have concluded that the determination presented in the notice is applicable to Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2. We have evaluated the proposed changes to the Technical Specification using the criteria in 10 CFR 50.92 and have 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 or the manner in which structures, systems, or components 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

**ATTACHMENT (1)**  
**EVALUATION OF PROPOSED CHANGE**

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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, Calvert Cliffs 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 Technical Specification change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on December 30, 2008 (73 FR 79923). Calvert Cliffs has reviewed the NRC staff's model safety evaluation 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 Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. The proposed change eliminates the plant-specific Technical Specification administrative controls on working hours. The Technical Specification has been superseded by 10 CFR Part 26. This new rule contains requirements for managing worker fatigue at operating nuclear power plants.

Title 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 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**

Calvert Cliffs has reviewed the environmental evaluation included in the safety evaluation published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. Calvert Cliffs has concluded that the staff's findings presented in that evaluation are applicable to Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. 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)

**ATTACHMENT (2)**

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

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## 5.2 Organization

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### 5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A total of three non-licensed operators shall be assigned to the Units 1 and 2 shift crews.
- b. Those licensed operators counted toward minimum shift crew composition required by 10 CFR 50.54(m)(2)(i) shall be licensed for both units.
- c. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i), 5.2.2.a, and 5.2.2.g 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.
- d. A radiation protection technician shall be onsite 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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- e. ~~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, licensed Reactor 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 by the Plant General Manager or the Plant General 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.~~

5.2 Organization

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~~Controls shall be included in the procedures to require a periodic independent review be conducted to ensure that excessive hours have not been assigned.~~

- f. The operations manager shall hold or have held an SRO license at Calvert Cliffs. The General Supervisor-Nuclear Plant Operations shall hold an SRO license.
- g. One Shift Technical Advisor (STA) shall be assigned to the shift crew when either unit is in MODE 1, 2, 3, or 4, and shall be filled as follows:
  - 1. By the Shift Supervisor (SS) or an on-shift SRO license holder, provided the individual meets the Commission Policy Statement on Engineering Expertise on Shift; or
  - 2. By an individual with a Bachelors Degree or equivalent in a scientific or engineering discipline with specific training in plant design, and response and analysis of the plant transient and accidents; or
  - 3. By an SRO license holder previously approved by the Nuclear Regulatory Commission as an exception to the minimum STA education requirements of Specification 5.2.2.g.2, provided the following conditions are met:
    - i. With both units in MODE 1, 2, 3, or 4, the STA shall be an SRO license holder in addition to the two SRO license holders required,
    - ii. With one unit in MODE 1, 2, 3, or 4, and the other unit in MODE 5 or 6, the STA shall be an SRO license holder other than the SS, and