

May 4, 2009

ULNRC-05609

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

10 CFR 50.90



Ladies and Gentlemen:

**DOCKET NUMBER 50-483
CALLAWAY PLANT UNIT 1
UNION ELECTRIC CO.
APPLICATION FOR AMENDMENT TO
FACILITY OPERATING LICENSE NPF-30
ADOPTION OF INDUSTRY TRAVLER TSTF-511 (REV. 0),
“ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO
SUPPORT COMPLIANCE WITH 10 CFR PART 26”
(LICENSE AMENDMENT REQUEST LDCN 09-0014)**

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), AmerenUE is submitting a request for an amendment to Facility Operating License No. NPF-30 for the Callaway Plant.

The proposed amendment would delete those portions of the Technical Specifications superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical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 (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).

Attachment 1 provides an evaluation of the proposed changes. Attachment 2 provides the existing TS pages marked up to show the proposed changes. Attachment 3 provides the proposed TS changes in final typed format.

AmerenUE requests approval of the proposed license amendment by September 1, 2009, to support implementation of the requested TS changes concurrent with implementation of the new 10 CFR 26, Subpart I requirements after receipt of the requested license amendment, but no later than October 1, 2009.

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It has been determined that this amendment application does not involve a significant hazard consideration as determined per 10 CFR 50.92. Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

The Callaway Onsite Review Committee and a subcommittee of the Nuclear Safety Review Board have reviewed and approved the attached licensing evaluation and have approved the submittal of this amendment application.

In accordance with 10 CFR 50.91, a copy of this amendment application is being provided to the designated Missouri State official.

If you have any questions on this amendment application, please contact me at (573) 676-8528, or Mr. Tom Elwood at (573) 676-6479.

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

Executed on: 5/4/09



Scott Sandbothe
Manager, Regulatory Affairs

DJW/nls

- Attachments:
1. Evaluation of Proposed Change
 2. Proposed Technical Specification Change (Mark-Up)
 3. Proposed Technical Specification Change (Re-Typed)

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Attachment 1

EVALUATION OF PROPOSED CHANGE

License Amendment Request 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

1.0 DESCRIPTION

The proposed amendment would delete those portions of the Technical Specifications superseded by 10 CFR 26, Subpart I. This change is consistent with 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 (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 NRC approved Revision 0 of TSTF-511, the proposed TS changes delete those portions of the Technical Specifications (i.e., TS 5.2.2.d) superseded by 10 CFR 26, Subpart I.

This application is being made in accordance with the CLIP. AmerenUE is not 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 CLIP Notice of Availability.

3.0 BACKGROUND

The NRC issued a Federal Register notice (73 FR 16966, March 31, 2008) for issuance of the final rule that amended 10 CFR 26. The revised regulations in 10 CFR 26, Subpart I supersede working hour restrictions currently contained in paragraph d of TS 5.2.2, "Unit Staff." 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

AmerenUE has reviewed the SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. AmerenUE has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to the Callaway Plant.

10 CFR 26, Subpart I, supersedes existing worker fatigue guidance. 10 CFR 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 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 TS requirements will be performed concurrently with the implementation of the 10 CFR 26, Subpart I, requirements, even if the TS change is implemented prior to the October 1, 2009 deadline. AmerenUE is obligated to comply with the regulatory requirements of 10 CFR 26, Subpart I.

5.0 REGULATORY SAFETY ANALYSIS

5.1 NO SIGNIFICANT HAZARDS DETERMINATION

AmerenUE has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. AmerenUE has concluded that the determination presented in the notice is applicable to the Callaway Plant. Specifically, AmerenUE has evaluated the proposed changes to the Technical Specifications 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: Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 26. Removal of the TS requirements will be performed concurrently with the implementation of the 10 CFR 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: Does the proposed amendment create the possibility of a new or different kind of an accident from any accident previously evaluated?

Response: No.

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 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 affect 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: Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes TS restrictions on working hours for personnel who perform safety related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR 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 TS administrative requirements will not reduce a margin of safety because the requirements in 10 CFR 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, AmerenUE 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). AmerenUE 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 the Callaway Plant.

The proposed change eliminates the plant-specific Technical Specification administrative controls on working hours since the TS guidance has been superseded by 10 CFR 26. 10 CFR 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 50.36. Because the requirement to control working hours and manage fatigue is provided in 10 CFR 26, Subpart I, it is unnecessary for the Technical Specifications to contain such controls.

6.0 ENVIRONMENTAL CONSIDERATION

AmerenUE 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. AmerenUE has concluded that the staff's findings presented in that evaluation are applicable to the Callaway 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 73 FR 16966, Fitness for Duty Programs, 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," dated September 17, 2008. Ref. ADAMS Accession Number ML082610292.
3. Federal Register Notice 73 FR 79923, Notice of Availability of Model Safety Evaluation, Model No Significant Hazards Consideration, and Model Application for Licensees the Wish to Adopt TSTF-511 Rev. 0, published on December 30, 2008.

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Attachment 2

Attachment 2

Proposed Technical Specification Change (Mark-Up)

5.2 Organization

5.2.2 Unit Staff (continued)

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. A Radiation Protection Department 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. ~~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 Protection Department technicians, equipment operators, and key maintenance personnel).~~

Not Used.

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~~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 or assistant operations manager shall hold an 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 position shall be assigned when the unit is in MODE 1, 2, 3, or 4, unless the Shift Manager or the Operating Supervisor meet the qualifications as required by the NRC.

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Attachment 3

Attachment 3

Proposed Technical Specification Change (Re-Typed)

5.2 Organization

5.2.2 Unit Staff (continued)

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. A Radiation Protection Department 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 or assistant operations manager shall hold an 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 position shall be assigned when the unit is in MODE 1, 2, 3, or 4, unless the Shift Manager or the Operating Supervisor meet the qualifications as required by the NRC.
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