



**Pacific Gas and
Electric Company®**

James R. Becker
Site Vice President

Diablo Canyon Power Plant
Mail Code 104/5/601
P. O. Box 56
Avila Beach, CA 93424

805.545.3462
Internal: 691.3462
Fax: 805.545.6445

May 5, 2009

PG&E Letter DCL-09-032

10 CFR 50.90

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Diablo Canyon Units 1 and 2
Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
License Amendment Request 09-03

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"

Dear Commissioners and Staff:

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), Pacific Gas and Electric Company (PG&E) is submitting a request for an amendment to the Technical Specifications (TS) for Diablo Canyon Power Plant (DCPP) Units 1 and 2.

The proposed amendment would delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC-approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical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

The enclosure provides an evaluation of the proposed change. Attachment 1 of the enclosure provides the existing TS page marked up to show the proposed change. Attachment 2 of the enclosure provides the proposed TS change in final typed format. Attachment 3 of the enclosure provides the associated regulatory commitment.

PG&E requests approval of the proposed license amendment by September 1, 2009 to support implementation of the TS change concurrent with implementation of the new 10 CFR Part 26, Subpart I requirements by October 1, 2009.

A member of the STARS (Strategic Teaming and Resource Sharing) Alliance
Callaway • Comanche Peak • Diablo Canyon • Palo Verde
• San Onofre • South Texas Project • Wolf Creek

ADD
NRR



This letter contains one regulatory commitment as identified in Attachment 3.

If you have any questions or require additional information, please contact Stan Ketelsen at 805-545-4720.

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

Executed on May 5, 2009.

Sincerely,

James R. Becker
Site Vice President

mjrm/4557/50043129

Enclosure: Evaluation of the Proposed Change

- cc: Gary W. Butner, Acting Branch Chief, California Department of Public Health
Elmo E. Collins, NRC Region IV
Michael S. Peck, NRC, Senior Resident Inspector
Diablo Distribution
- cc/enc: Alan B. Wang, Project Manager, Office of Nuclear Reactor Regulation

Evaluation of the Proposed Change

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."

- 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
-

Attachments:

- 1. Proposed Technical Specification Change (marked up)
- 2. Proposed Technical Specification Change (retyped)
- 3. Regulatory Commitments

EVALUATION

1.0 DESCRIPTION

This letter is a request to amend Operating Licenses DPR-80 and DPR-82 for Units 1 and 2 of the Diablo Canyon Power Plant (DCPP), respectively.

The proposed amendment would delete those portions of Technical Specifications (TS) 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 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 PROPOSED CHANGE

Consistent with the NRC approved Revision 0 of TSTF-511, the proposed TS change deletes those portions of TS superseded by 10 CFR Part 26, Subpart I.

This application is being made in accordance with the CLIIP. Pacific Gas and Electric (PG&E) is not proposing variations or deviations from the TS change 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.

3.0 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).

4.0 TECHNICAL ANALYSIS

PG&E has reviewed the SE published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. PG&E has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to DCPP Units 1 and 2.

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 TS 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 TS.

Removal of the TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements, even if the TS change is implemented prior to the October 1, 2009 deadline. Along with this License Amendment Request, PG&E commits to comply with 10 CFR Part 26 concurrently with the implementation of the TS change.

5.0 REGULATORY SAFETY ANALYSIS

5.1 NO SIGNIFICANT HAZARDS DETERMINATION

PG&E has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. PG&E has concluded that the determination presented in the notice is applicable to DCCP Units 1 and 2. PG&E has evaluated the proposed change to the TS using the criteria in 10 CFR 50.92 and has determined that the proposed change does 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 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 Part 26. Removal of the TS 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 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 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 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 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 TS 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, PG&E 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). PG&E has reviewed the NRC staff's model SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability and concluded that the regulatory evaluation section is applicable to DCPD Units 1 and 2.

The proposed change eliminates the plant-specific TS administrative controls on working hours. The TS 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 TS. 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 TS to contain similar controls.

6.0 ENVIRONMENTAL CONSIDERATION

PG&E 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. PG&E has concluded that the staff's findings presented in that evaluation are applicable to DCP Units 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)

Proposed Technical Specification Change (marked up)

5.2 Organization

5.2.2 Unit Staff (continued)

- 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), health physic technicians, nuclear 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, 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 that a periodic independent review be conducted to ensure that excessive hours have not been assigned.~~
- e. The operations manager shall either hold a senior reactor operator license, have at one time held a senior reactor operator license for a pressurized water reactor, or be certified to a senior reactor operator equivalent level of knowledge. If the operations manager does not hold a senior reactor operator license, the person assigned to the Operations middle manager position shall hold a senior reactor operator 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 manned in MODES 1, 2, 3, and 4 unless an individual with a SRO license meets the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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Not Used. →

Proposed Technical Specification Change (retyped)

Remove Page

5.0-3

Insert Page

5.0-3

5.2 Organization

5.2.2 Unit Staff (continued)

- d. Not used.
 - e. The operations manager shall either hold a senior reactor operator license, have at one time held a senior reactor operator license for a pressurized water reactor, or be certified to a senior reactor operator equivalent level of knowledge. If the operations manager does not hold a senior reactor operator license, the person assigned to the Operations middle manager position shall hold a senior reactor operator 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 manned in MODES 1, 2, 3, and 4 unless an individual with a SRO license meets the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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Regulatory Commitments

Commitment #1

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.