



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

July 28, 2009

Mr. J. V. Parrish
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

SUBJECT: COLUMBIA GENERATING STATION - ISSUANCE OF AMENDMENT RE:
ADOPTION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR
RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR
PART 26" (TAC NO. ME1005)

Dear Mr. Parrish:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 213 to Facility Operating License No. NPF-21 for the Columbia Generating Station. The amendment consists of changes to the Technical Specifications (TS) in response to your application dated March 30, 2009.

The amendment deletes those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I, consistent with NRC-approved TS Task Force (TSTF) change traveler TSTF-511, Revision 0, "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.

A copy of the related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to read "CFDyng", is located below the "Sincerely," text.

Nicholas J. DiFrancesco, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

Enclosures:

1. Amendment No. 213 to NPF-21
2. Safety Evaluation

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

ENERGY NORTHWEST

DOCKET NO. 50-397

COLUMBIA GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 213
License No. NPF-21

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Energy Northwest (licensee), dated March 30, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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.

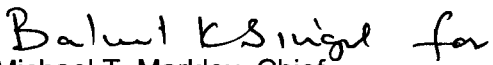
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-21 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 213 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION


Michael T. Markley, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility
Operating License No. NPF-21
and Technical Specifications

Date of Issuance: July 28, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 213

FACILITY OPERATING LICENSE NO. NPF-21

DOCKET NO. 50-397

Replace the following pages of the Facility Operating License No. NPF-21 and Appendix A, Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

Facility Operating License

REMOVE

INSERT

-3-

-3-

Technical Specification

REMOVE

INSERT

5.2-2

5.2-2

- (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source of special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
 - (6) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to store byproduct, source and special nuclear materials not intended for use at Columbia Generating Station. The materials shall be no more than 9 sealed neutron radiation sources designed for insertion into pressurized water reactors and no more than 40 sealed beta radiation sources designed for use in area radiation monitors. The total inventory shall not exceed 24 microcuries of strontium-90, 20 microcuries of uranium-235, 30 curies of plutonium-238, and 3 curies of americium-241.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions 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:
- (1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of full power (3486 megawatts thermal). Items in Attachment 1 shall be completed as specified. Attachment 1 is hereby incorporated into this license.
 - (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 213 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

 - (a) For Surveillance Requirements (SRs) not previously performed by existing SRs or other plant tests, the requirement will be considered met on the implementation date and the next required test will be at the interval specified in the Technical Specifications as revised in Amendment No. 149.

5.2 Organization

5.2.2 Unit Staff (continued)

- 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 to implement 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.
 - d. Deleted.
 - 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 individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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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. 213 TO

FACILITY OPERATING LICENSE NO. NPF-21

ENERGY NORTHWEST

COLUMBIA GENERATING STATION

DOCKET NO. 50-397

1.0 INTRODUCTION

By application dated March 30, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091040202), Energy Northwest (the licensee) requested changes to the Technical Specifications (TSs; Appendix A to Facility Operating License No. NPF-21) for the Columbia Generating Station (CGS). The proposed changes would delete those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I, consistent with U.S. Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) change traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

Specifically, the licensee proposes to delete Paragraph d of TS 5.2.2, "Unit Staff." The licensee stated that its application is consistent with NRC-approved TSTF-511, Revision 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.

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26 (73 FR 16966, March 31, 2008). Subpart I, "Managing Fatigue," of 10 CFR Part 26, provides the regulatory requirements for managing worker fatigue at nuclear power plants.

In Section 50.36, "Technical specifications," of 10 CFR, the Commission established its regulatory requirements related to the content of TSs. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. The rule does not specify the particular requirements to be included in a plant's TSs. The administrative controls are the provisions relating to organization and

management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC's guidance for the format and content of licensee TSs can be found in NUREG-1430, Revision 3.0, "Standard Technical Specifications Babcock and Wilcox Plants," NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants," NUREG-1432, Revision 3.0, "Standard Technical Specifications Combustion Engineering Plants," NUREG-1433, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/4," and NUREG-1434, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/6." These NUREGs are referred to as the Standard Technical Specifications (STS). Section 5 of STS contains administrative controls. Paragraph d of Section 5.2.2 of the STS contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents the NRC's guidance on how licensee TS requirements should address work hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to consistently enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I, supersede the guidance for requirements found in Paragraph d of Section 5.2.2 of all STS. Subpart I distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final Rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511, Revision 0, proposed a change to STS that would delete Paragraph d of STS 5.2.2. This approved change was made available by the NRC in the *Federal Register* on December 30, 2008 (73 FR 79923).

2.1 Adoption of TSTF-511, Revision 0, by CGS

Proper adoption of TSTF-511, Revision 0, and implementation of 10 CFR Part 26, Subpart I, by the licensee will provide reasonable assurance that it will maintain acceptable limits on the working hours of personnel who perform safety-related functions. In its submittal dated March 30, 2009, the licensee made the following regulatory commitment:

Removal of the plant-specific working hour restrictions from TS 5.2.2 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.

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for CGS are currently located in Paragraph d of TS 5.2.2. When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements found in Section 5.2.2, Paragraph d, of the CGS TS.

The licensee proposed deleting Paragraph d of TS 5.2.2. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls. The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment is best provided by the licensee's administrative processes, including its commitment management program (e.g., see NRC Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000). The above regulatory commitment does not warrant the creation of regulatory requirements (i.e., items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in section 2. The staff also compared the proposed change to the change made to STS by TSTF-511, Revision 0. CGS has STS based on NUREG-1434, Revision 3, which includes TSTF-511, Revision 0. The staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I, concurrently with the deletion of TS work hour control requirements in its evaluation of the proposed change. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at CGS. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the staff finds the proposed change acceptable.

4.0 REGULATORY COMMITMENT

In its March 30, 2009, letter, the licensee stated that it will make the following regulatory commitment:

1. Removal of the plant-specific working hour restrictions from TS 5.2.2 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.

The NRC staff finds this commitment acceptable.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Washington State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the 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 Commission has previously issued a proposed finding that the amendment involves no

significant hazards consideration and there has been no public comment on such finding published in the *Federal Register* on May 5, 2009 (74 FR 20743). 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.

7.0 CONCLUSION

The Commission 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: K. Bucholtz
A. Lewin

Date: July 28, 2009

July 28, 2009

Mr. J. V. Parrish
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

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Sincerely,

/RA by CFLyon for/

Nicholas J. DiFrancesco, Project Manager
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Docket No. 50-397

Enclosures:

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KBucholtz, NRR/DIRS/ITSB

ALewin, NRR/DIRS/ITSB

ADAMS Accession No.: ML091410315

*memo dated

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	DIRS/ITSB/BC	OGC	NRR/LPL4/BC	NRR/LPL4/PM
NAME	NDiFrancesco	JBurkhardt	RElliott*	LSubin	MMarkley BSingal for	NDiFrancesco CFLyon for
DATE	5/21/09	6/12/09	5/19/09	05/22/09	7/28/09	7/28/09