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**Constellation Energy**  
Nuclear Generation Group

May 21, 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 the Removal of the Table of Contents from the  
Technical Specifications

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 remove the Table of Contents from the Technical Specifications and place them under licensee control.

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

Calvert Cliffs Nuclear Power Plant, Inc. requests approval of the proposed License Amendment Request by December 1, 2009, to be implemented within 60 days of the issuance of the license amendment. The approval date was administratively selected to allow for Nuclear Regulatory Commission review, but the plant does not require this amendment to allow continued safe full power operations.

ADD  
NRR

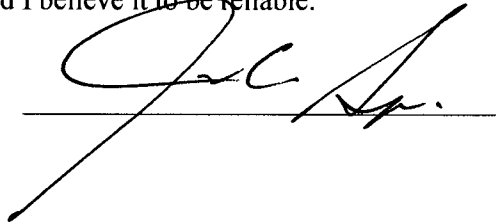
Should you have questions regarding this matter, please contact Mr. Jay S. Gaines at (410) 495-5219.

Very truly yours,



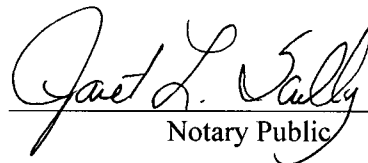
STATE OF MARYLAND :  
: TO WIT:  
COUNTY OF CALVERT :

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 21<sup>st</sup> day of May, 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) Marked-up Pages

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

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## **1.0 SUMMARY DESCRIPTION**

The proposed amendment would remove the Table of Contents (TOC) from the Technical Specifications (TS) and place them under licensee control.

## **2.0 DETAILED DESCRIPTION**

The TOC for the TS is not being eliminated, rather, following approval of this license amendment request, responsibility for maintenance and issuance of updates to the TS TOC will transfer from the Nuclear Regulatory Commission (NRC) to Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP). The TOC will no longer be included in the NRC issued TSs and as such will no longer be part of the TS (Appendix A to the Operating License). A TOC for the TSs will be maintained under CCNPP (licensee) control. The TOC will be issued by CCNPP in conjunction with the implementation of NRC-approved TS amendments.

## **3.0 TECHNICAL EVALUATION**

The TOC does not meet the criteria specified in 10 CFR 50.36 requiring its inclusion within a plant's TS. 10 CFR 50.36(b) states:

"Each license authorizing operation of a production or utilization facility of a type described in § 50.21 or § 50.22 will include Technical Specifications. The Technical Specifications will be derived from the analyses and evaluation included in the safety analysis report, and amendments thereto, submitted pursuant to § 50.34 ..."

10 CFR 50.36(c) states the "Technical Specifications will include items in the following categories:". Review of 10 CFR 50.36(c) indicates that a TOC was not listed in the regulation as one of the categories.

10 CFR 50.36(a) indicates that a license application may provide other information associated with the TS, and gives an example of this information, i.e., the TS Bases, but 10 CFR 50.36(a) also clearly indicates that the Bases are not a part of the TS.

"Each applicant for a license ... shall include in his application proposed technical specifications in accordance with the requirements of this section. A summary statement of the bases or reasons for such specifications, other than those covering administrative controls, shall also be included in the application, but shall not become part of the technical specifications."

The TOC references where specific TS sections can be found throughout the TS, but does not contain technical information required by 10 CFR 50.36. Since the TOC does not include information required by 10 CFR 50.36 to be reviewed by the NRC staff, inclusion of a TOC within the TS is optional, and is not required by the regulation. Removal of the TOC from the TS constitutes an administrative change and is therefore acceptable.

Additionally, the "Writer's Guide for Plant-Specific Improved Technical Specifications (ITS)" (Reference 1) was reviewed for guidance. The Writer's Guide refers to the TOC as "Technical Specification Front Matter," which also includes the Title Page and List of Effective Pages. The Writer's Guide describes the TS content as starting with Chapter 1, "Use and Application" and does not include the TOC as part of the content of the TS.

A TOC for the TS will be maintained under CCNPP (licensee) control. The TOC will be issued by CCNPP in conjunction with the implementation of NRC-approved TS amendments.

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**EVALUATION OF PROPOSED CHANGE**

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#### **4.0 REGULATORY EVALUATION**

##### **4.1 Applicable Regulatory Requirements/Criteria**

10 CFR 50.36(a) states that "Each applicant for a license ... shall include in his application proposed Technical Specifications in accordance with the requirements of this section. A summary statement of the bases or reasons for such specifications, other than those covering administrative controls, shall also be included in the application, but shall not become part of the Technical Specifications." Similar to the TS Bases, the TOC does not meet the criteria specified in 10 CFR 50.36 for inclusion within a plant's TS. Calvert Cliffs Nuclear Power Plant has evaluated this change against the applicable regulatory requirements as described above. Based on this, there is reasonable assurance that the health and safety of the public, following approval of this change is unaffected.

##### **4.2 Precedent**

A license amendment was issued for the Waterford Steam Electric Station (Waterford 3) to remove the TS Index (which corresponds to the TOC) from the Waterford 3 TS on May 9, 2005 (Reference 2).

Monticello Nuclear Generating Plant, License Amendment No. 152, was issued on November 8, 2007 (Reference 3). This amendment revised the Monticello Nuclear Generating Plant by removing the TOC from the TSs and placing it under-licensee control.

##### **4.3 Significant Hazards Determination**

In accordance with the requirements of 10 CFR 50.90, Calvert Cliffs Nuclear Power Plant (CCNPP) requests an amendment to remove the Table of Contents (TOC) from the Technical Specifications (TSs) and place it under licensee control. Calvert Cliffs Nuclear Power Plant has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "issuance of amendment" as discussed below.

1. *Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?*

No.

The proposed change is administrative and affects control of a document, the TOC, listing the specifications in the plant TSs. Transferring control from the Nuclear Regulatory Commission (NRC) to CCNPP (the licensee) does not affect the operation, physical configuration, or function of plant equipment or systems. It does not impact the initiators or assumptions of analyzed events; nor does it impact the mitigation of accidents or transient events. The change has no impact on, and hence cannot increase, the probability or consequences of an accident previously evaluated.

2. *Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?*

No.

The proposed change is administrative and does not alter the plant configuration, require installation of new equipment, alter assumptions about previously analyzed accidents, or impact the operation or function of plant equipment or systems. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

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3. *Does the proposed amendment involve a significant reduction in a margin of safety?*

No.

The proposed change is administrative. The TOC is not required by regulation to be in the TS. Removal does not impact any safety assumptions or have the potential to reduce a margin of safety as described in the TS Bases. The change involves a transfer of control of the TOC from the NRC to CCNPP. No change in the technical content of the TS specifications is involved. Consequently, transfer from the NRC to CCNPP has no impact on the margin of safety, and hence cannot involve a significant reduction in the margin of safety.

Based on the above, CCNPP, concludes that the proposed amendment does not involve a 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.

#### **4.4 CONCLUSIONS**

In conclusion, based on the considerations discussed above, (1) there is a 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 health and safety of the public.

#### **5.0 ENVIRONMENTAL CONSIDERATION**

The proposed amendment is confined to changes to recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

#### **6.0 REFERENCES**

1. Technical Specifications Task Force, TSTF-GG-05-01, dated June 2005, Writer's Guide for Plant-Specific Improved Technical Specifications
2. Letter from U.S. NRC to Entergy Operations, Inc., dated May 9, 2005, Waterford Steam Electric Station, Unit 3 - Issuance of Amendment Re: Modification of Technical Specification (TS) 5.3.1, Fuel Assemblies, TS 5.6.1, Criticality, TS 6.9.1.11.1, Core Operating Limits Reports, and Deletion of TS Index (TAC No. MC3584)
3. Letter from U.S. NRC to Nuclear Management Co., LLC, dated November 8, 2007, Monticello Nuclear Generating Plant – Issuance of Amendment Re: Removal of the Table of Contents out of the Technical Specifications (TAC No. MD6027)

**ATTACHMENT (2)**

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