



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

July 16, 2009

Mr. Joseph J. Hagan
President and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-19
76 South Main Street
Akron, OH 44308

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2; DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1; AND PERRY NUCLEAR POWER PLANT, UNIT NO. 1 - ISSUANCE OF AMENDMENTS RE: APPLICATION FOR TECHNICAL SPECIFICATION (TS) CHANGE FOR ADOPTION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR PART 26"
(TAC NOS. ME0977-ME0979)

Dear Mr. Hagan:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 284 to Facility Operating License No. DPR-66 and Amendment No. 169 to Facility Operating License No. NPF-73 for the Beaver Valley Power Station, Unit Nos. 1 and 2, respectively, and Amendment No.280 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1, and Amendment No. 152 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit No. 1. The amendments are in response to your application dated March 25, 2009 (Agencywide Documents Access and Management System Accession No. ML0090840475).

The amendments would delete those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* Part 26, Subpart I.

J. Hagan

- 2 -

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

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Gratton". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Gratton".

Christopher Gratton, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, 50-346, 50-440,
and 72-14

Enclosures:

1. Amendment No.284 to DPR-66
2. Amendment No.169 to NPF-73
3. Amendment No.280 to NPF-3
4. Amendment No.152 to NPF-58
5. Safety Evaluation

cc w/encls: Distribution via Listserv



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

FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION CORP.

DOCKET NO. 50-334

BEAVER VALLEY POWER STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No.284
License No. DPR-66

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by FirstEnergy Nuclear Operating Company, et al. (the licensee), dated March 25, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and 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. DPR-66 is hereby amended to read as follows:

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 284, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented by September 30, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the License and
Technical Specifications

Date of Issuance: July 16, 2009



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

FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION CORP.

OHIO EDISON COMPANY

THE TOLEDO EDISON COMPANY

DOCKET NO. 50-412

BEAVER VALLEY POWER STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 169
License No. NPF-73

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by FirstEnergy Nuclear Operating Company, et al. (the licensee), dated March 25, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and 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-73 is hereby amended to read as follows:

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 169 , and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto are hereby incorporated in the license. FENOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented by September 30, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the License
and Technical Specifications

Date of Issuance: July 16, 2009

ATTACHMENT TO LICENSE AMENDMENT NOS.284 AND 169
FACILITY OPERATING LICENSE NOS. DPR-66 AND NPF-73
DOCKET NOS. 50-334 AND 50-412

Replace the following pages of the Facility Operating License and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment numbers and contain marginal lines indicating the areas of change.

Remove

License DPR-66

3

License NPF-73

3a

TSs

5.2-2

Insert

License DPR-66

3

License NPF-73

3a

TSs

5.2-2

- (3) FENOC, 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) FENOC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
 - (5) FENOC, pursuant to the Act and 10 CFR Parts 30, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter 1: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; 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
FENOC is authorized to operate the facility at a steady state reactor core power level of 2900 megawatts thermal.
 - (2) Technical Specifications
The Technical Specifications contained in Appendix A, as revised through Amendment No. 284, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.
 - (3) Auxiliary River Water System
(Deleted by Amendment No. 8)

transactions shall have no effect on the license for the BVPS Unit 2 facility throughout the term of the license.

- (b) Further, the licensees are also required to notify the NRC in writing prior to any change in: (i) the term or conditions of any lease agreements executed as part of these transactions; (ii) the BVPS Operating Agreement, (iii) the existing property insurance coverage for BVPS Unit 2, and (iv) any action by a lessor or others that may have adverse effect on the safe operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations set forth in 10 CFR Chapter 1 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

FENOC is authorized to operate the facility at a steady state reactor core power level of 2900 megawatts thermal.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 169, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto are hereby incorporated in the license. FENOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

5.2 Organization

5.2.2 Unit Staff (continued)

- c. An individual qualified in 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 shall either hold an SRO license or have held an SRO license for a pressurized water reactor. The assistant operations manager shall hold a current 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. A single qualified person can be used to satisfy this position for both units.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 280
License No. NPF-3

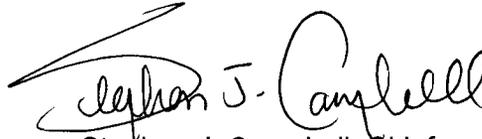
1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by FirstEnergy Nuclear Operating Company (the licensee) dated March 25, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and 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-3 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 280 and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented by September 30, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "Stephen J. Campbell". The signature is written in a cursive style with a large, sweeping initial "S".

Stephen J. Campbell, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and Facility Operating License

Date of Issuance: July 16, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 280

FACILITY OPERATING LICENSE NO. NPF-3

DOCKET NO. 50-346

Replace the following pages of the Appendix "A" Technical Specifications with the attached pages. The revised pages are identified by amendment numbers and contain marginal lines indicating the areas of change.

Remove

License NPF-3
4

TSs
5.2-2

Insert

License NPF-3
4

TSs
5.2-2

2.C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; 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

FENOC is authorized to operate the facility at steady state reactor core power levels not in excess of 2817 megawatts (thermal). Prior to attaining the power level, Toledo Edison Company shall comply with the conditions identified in Paragraph (3) (o) below and complete the preoperational tests, startup tests and other items identified in Attachment 2 to this license in the sequence specified. Attachment 2 is an integral part of this license.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 280 , are hereby incorporated in the license. FENOC shall operate the facility in accordance with the Technical Specifications.

(3) Additional Conditions

The matters specified in the following conditions shall be completed to the satisfaction of the Commission within the stated time periods following the issuance of the license or within the operational restrictions indicated. The removal of these conditions shall be made by an amendment to the license supported by a favorable evaluation by the Commission:

- (a) FENOC shall not operate the reactor in operational Modes 1 and 2 with less than three reactor coolant pumps in operation.
- (b) Deleted per Amendment 6
- (c) Deleted per Amendment 5

5.2 Organization

5.2.2 Unit Staff (continued)

- c. A radiation protection 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. Deleted;
 - e. The operations manager shall either hold or have held a Senior Operator license. The assistant operations manager shall hold a Senior Operator license for the Davis-Besse Nuclear Power Station; and
 - f. When the reactor is operating in MODE 1, 2, 3, or 4 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

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 152
License No. NPF-58

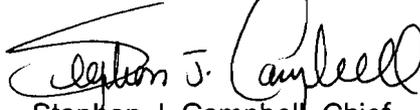
1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by FirstEnergy Nuclear Operating Company (the licensee) dated March 25, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and 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 Renewed Facility Operating License No. DPR-58 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 152, are hereby incorporated into this renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented by September 30, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Stephen J. Campbell". The signature is written in a cursive style with a large, prominent "C" at the end.

Stephen J. Campbell, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and Facility Operating License

Date of Issuance: July 16, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 152

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following pages of the Appendix "A" Technical Specifications with the attached pages. The revised pages are identified by amendments number and contain marginal lines indicating the areas of change.

Remove

License NPF-58

4

TSs

5.0-3

Insert

License NPF-58

4

TSs

5.0-3

renewal. Such sale and leaseback transactions are subject to the representations and conditions set forth in the above mentioned application of January 23, 1987, as supplemented on March 3, 1987, as well as the letter of the Director of the Office of Nuclear Reactor Regulation dated March 16, 1987, consenting to such transactions. Specifically, a lessor and anyone else who may acquire an interest under these transactions are prohibited from exercising directly or indirectly any control over the licenses of PNPP Unit 1. For purposes of this condition the limitations of 10 CFR 50.81, as now in effect and as may be subsequently amended, are fully applicable to the lessor and any successor in interest to that lessor as long as the license for PNPP Unit 1 remains in effect; these financial transactions shall have no effect on the license for the Perry Nuclear facility throughout the term of the license.

- (b) Further, the licensees are also required to notify the NRC in writing prior to any change in: (i) the terms or conditions of any lease agreements executed as part of these transactions; (ii) the PNPP Operating Agreement; (iii) the existing property insurance coverage for PNPP Unit 1; and (iv) any action by a lessor or others that may have an adverse effect on the safe operation of the facility.
- 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 and hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

FENOC is authorized to operate the facility at reactor core power levels not in excess of 3758 megawatts thermal (100% power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 152 , are hereby incorporated into the license. FENOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

- a. FirstEnergy Nuclear Generation Corp. and Ohio Edison Company

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be on site when fuel is in the reactor vessel, and an additional non-licensed operator shall be on site while the unit is in MODE 1, 2, or 3.
- b. Deleted
- c. Shift crew composition may be one less than the minimum requirements of 10 CFR 50.54(m)(2)(i) and Specifications 5.2.2.a and 5.2.2.g for a period of time not to exceed two 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 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.
- e. Deleted
- f. The operations manager or at least one operations middle manager shall hold an SRO license.
- g. The shift technical advisor (STA) shall provide advisory technical support to the shift supervisor (SS) in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit.

In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on shift. The STA position may be filled by an on-shift SS or SRO provided the individual meets the Commission Policy Statement on Engineering Expertise on shift.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 284 TO FACILITY OPERATING LICENSE NO. DPR-66,
AMENDMENT NO. 169 TO FACILITY OPERATING LICENSE NO. NPF-73,
AMENDMENT NO. 280 TO FACILITY OPERATING LICENSE NO. NPF-3,
AMENDMENT NO. 152 TO FACILITY OPERATING LICENSE NO. NPF-58,
FIRSTENERGY NUCLEAR OPERATING COMPANY
BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2
DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1
PERRY NUCLEAR POWER PLANT, UNIT NO. 1
DOCKET NOS. 50-334, 50-412, 50-346, AND 50-440

1.0 INTRODUCTION

By letter to the Nuclear Regulatory Commission (NRC, Commission) dated March 25, 2009 (Agencywide Documents Access and Management System Accession No. ML090840475), FirstEnergy Nuclear Operating Company (the licensee, FENOC) requested changes to the technical specifications (TSs) and facility operating licenses for the Beaver Valley Power Station (BVPS), Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS), Perry Nuclear Power Plant, Unit No. 1 (PNPP). The proposed changes would delete paragraph d of TS 5.2.2, "Unit Staff," (paragraph e of TS 5.2.2 for PNPP).

The licensee stated that the application 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* (FR) 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, "Fitness for Duty Programs," (73 FR 16966, March 31, 2008). Part 26 of 10 CFR, Subpart I, "Managing Fatigue," provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's regulatory requirements related to the content of the TS are contained in 10 CFR Part 50.36. Section 50.36 of 10 CFR requires that the TS include items in the following

categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. 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," referred to as Standard Technical Specifications (STS). Section 5 of STS contains administrative controls. Paragraph d of Section 5.2.2, "Unit Staff," of 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 limit the working hours of personnel to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis, resulting in inconsistent implementation of requirements and TS interpretation. This has also made it difficult for the NRC staff to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements limiting the working hours of personnel as described in paragraph d of Section 5.2.2 of 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 proposed a change to STS that would delete paragraph d of STS 5.2.2.

2.1 Adoption of TSTF-511, Revision 0, by BVPS Unit Nos. 1 and 2

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by FENOC will provide reasonable assurance that BVPS Unit Nos. 1 and 2 will maintain limits on the working hours of personnel who perform safety-related functions. FENOC has committed to remove BVPS Unit Nos. 1 and 2 plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

2.2 Adoption of TSTF-511, Revision 0, by DBNPS

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by FENOC will provide reasonable assurance that DBNPS will maintain limits on the working hours of personnel who perform safety-related functions. FENOC has committed to remove DBNPS plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

2.3 Adoption of TSTF-511, Revision 0, by PNPP

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by FENOC will provide reasonable assurance that PNPP will maintain limits on the working hours of personnel who perform safety-related functions. FENOC has committed to remove PNPP plant-specific

TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

3.1 BVPS Unit Nos. 1 and 2

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 BVPS Units 1 and 2 are currently located in paragraph d of TS 5.2.2, "Unit Staff." 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 BVPS Unit Nos. 1 and 2 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 commitments are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff"). The above regulatory commitments do not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable precedents in TSTF-511 and regulatory requirements listed in Section 2 of this safety evaluation (SE). The staff also compared the proposed change made to STS by TSTF-511. 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 10 CFR Part 26, Subpart I, at all times at BVPS Unit Nos. 1 and 2. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the NRC staff finds the proposed change acceptable.

3.2 DBNPS

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 DBNPS are currently located in paragraph d of TS 5.2.2, "Unit Staff." 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 DBNPS 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 commitments are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017). The above regulatory commitment does not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable precedents in TSTF-511 and regulatory requirements listed in Section 2 of this SE. The NRC staff also compared the proposed change made to STS by TSTF-511. 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 10 CFR Part 26, Subpart I, at all times at DBNPS. 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.

3.3 PNPP

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 PNPP are currently located in paragraph e of TS 5.2.2, "Unit Staff." When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements found in Section 5.2.2 paragraph e of the PNPP TS.

The licensee proposed deleting paragraph e 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 commitments are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017). The above regulatory commitment does not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable precedents in TSTF-511 and regulatory requirements listed in Section 2 of this SE. The staff also compared the proposed change made to STS by TSTF-511. 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 10 CFR Part 26, Subpart I, at all times at PNPP. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the NRC staff finds the proposed change acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Pennsylvania and Ohio State officials were notified of the proposed issuance of the amendment. The State officials had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The 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.

6.0 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. FENOC Licensee Amendment Request to adopt TSTF-511, March 25, 2009 (ADAMS Accession No. ML090840475).
2. Federal Register Notice, Notice of Availability published on December 30, 2008 (73 FR 79923).
3. TSTF-511 Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

Principal Contributor: Abraham Marrero

Date: July 16, 2009

J. Hagan

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

Sincerely,

/RA/

Christopher Gratton, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, 50-346, 50-440
and 72-14

Enclosures:

1. Amendment No. 284 to DPR-66
2. Amendment No. 169 to NPF-73
3. Amendment No. 280 to NPF-3
4. Amendment No. 152 to NPF-58
5. Safety Evaluation

cc w/encls: See next page

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*By memos dated 6/12/09, 6/15/09, and 6/17/09

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