



Crystal River Nuclear Plant
Docket No. 50-302
Operating License No. DPR-72

Ref: 10 CFR 26

July 13, 2010
3F0710-03

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

Subject: Crystal River Unit 3 – Request for One-Time Exemption from the Requirements of 10 CFR 26.205(d)(3)

Dear Sir:

Pursuant to 10 CFR 26.9, "Specific exemptions," Florida Power Corporation (FPC), doing business as Progress Energy Florida, Inc., hereby requests a one-time exemption from portions of 10 CFR 26.205(d)(3) for Crystal River Unit 3 (CR-3). Currently, 10 CFR 26.205(d)(4) permits the use of less restrictive working hour limitations during the first 60 days of a unit outage, in lieu of the requirements of 10 CFR 26.205(d)(3). The proposed exemption would allow the use of the less restrictive working hour limitations of 10 CFR 26.205(d)(4) to be applied during the restart of CR-3 from its current extended outage, for a period not to exceed 60 days. The proposed exemption would apply to operations, instrumentation and controls maintenance, chemistry, and health physics personnel as defined in 10 CFR 26.4(a)(1), (a)(2), and (a)(4).

FPC requests approval of this exemption by September 1, 2010, to support the restart of CR-3 during late 2010.

Details supporting the analysis for this exemption request are provided in Attachment 1. Attachment 2 contains the environmental assessment and Attachment 3 contains the regulatory commitment established in Attachment 1.

If you have any questions regarding this submittal, please contact Mr. Dan Westcott, Superintendent, Licensing and Regulatory Programs at (352) 563-4796.

Sincerely,

Jon A. Franke
Vice President
Crystal River Nuclear Plant

JAF/crm

Attachments:

1. 10 CFR 26.205(d)(3) Exemption Request
2. Environmental Assessment
3. List of Regulatory Commitments

xc: NRR Project Manager
Regional Administrator, Region II
Senior Resident Inspector

Progress Energy Florida, Inc.
Crystal River Nuclear Plant
15760 W. Powerline Street
Crystal River, FL 34428

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PROGRESS ENERGY FLORIDA, INC.

CRYSTAL RIVER UNIT 3

DOCKET NUMBER 50-302 /LICENSE NUMBER DPR-72

10 CFR 26.205(d)(3) EXEMPTION REQUEST

ATTACHMENT 1

10 CFR 26.205(d)(3) EXEMPTION REQUEST

1.0 INTRODUCTION

In September 2009, Crystal River Unit 3 (CR-3) began Refueling Outage 16 to replace the steam generators, and upgrade various equipment in preparation for an Extended Power Uprate. The unit has been defueled since October 2009. During the outage, delamination was identified in the Reactor Building wall and the unit has remained shutdown while the evaluations and necessary repairs are conducted. CR-3 expects to begin restart activities during late 2010.

2.0 DESCRIPTION OF THE PROPOSED EXEMPTION

The exemption requested by Florida Power Corporation (FPC), doing business as Progress Energy Florida, Inc., addresses the portion of 10 CFR 26 which outlines the work hour controls for plant personnel. Specifically, FPC is requesting a one-time exemption from provisions of 10 CFR 26.205(d)(3). The proposed exemption will allow the less restrictive working hour limitations of 10 CFR 26.205(d)(4) to be applied during the restart of CR-3 from its current extended outage, for a period not to exceed 60-days. This will apply to the CR-3 operations, instrumentation and controls (I&C) maintenance, chemistry, and health physics personnel covered under 10 CFR 26.4(a).

CR-3 will ensure that the affected individuals will not work excessive overtime during the period immediately preceding the implementation of the exemption to 10 CFR 26.205(d)(3). Specifically, CR-3 will ensure covered personnel, including those temporarily assigned to outages at other units, do not work greater than an average of 54 hours per week for a minimum of eight weeks preceding implementation of the exemption.

3.0 BACKGROUND

During the outage, delamination was identified in the Reactor Building wall. As a result, CR-3 was unable to restart following the completion of the scheduled outage. CR-3 has remained shutdown while the evaluation and necessary repairs are conducted. As these repairs are being performed by an external contractor, the workload for CR-3 personnel has consisted primarily of activities necessary to maintain CR-3 in a defueled state since December 2009. Covered CR-3 operations, I&C maintenance, chemistry, and health physics personnel have all transitioned to their normal, online schedule and intend to remain on this schedule until shortly before restart activities begin. Some covered personnel are currently supporting outages at other Progress Energy facilities; however, all covered personnel will not work greater than an average of 54 hours per week for the eight weeks preceding implementation of the exemption.

4.0 REGULATORY REQUIREMENTS AND GUIDANCE

10 CFR 26.9, Specific exemptions, states that:

Upon application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

10 CFR 26.4, Fitness for Duty (FFD) program applicability to categories of individuals, states that:

(a) All persons who are granted unescorted access to nuclear power reactor protected areas by the licensees in § 26.3(a) and, as applicable, (c) and perform the following duties shall be subject to an FFD program that meets all of the requirements of this part, except subpart K of this part:

(1) Operating or onsite directing of the operation of systems and components that a risk-informed evaluation process has shown to be significant to public health and safety;

(2) Performing health physics or chemistry duties required as a member of the onsite emergency response organization minimum shift complement;

and

(4) Performing maintenance or onsite directing of the maintenance of SSCs that a risk-informed evaluation process has shown to be significant to public health and safety;

10 CFR 26.205(d)(3), states that:

Licensees shall ensure that individuals have, at a minimum, the number of days off specified in this paragraph. For the purposes of this subpart, a day off is defined as a calendar day during which an individual does not start a work shift. For the purposes of calculating the average number of days off required in this paragraph, the duration of the shift cycle may not exceed 6 weeks.

(i) Individuals who are working 8-hour shift schedules shall have at least 1 day off per week, averaged over the shift cycle;

(ii) Individuals who are working 10-hour shift schedules shall have at least 2 days off per week, averaged over the shift cycle;

(iii) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(1) through (a)(3) shall have at least 2.5 days off per week, averaged over the shift cycle;

(iv) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(4) shall have at least 2 days off per week, averaged over the shift cycle; and

(v) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(5) shall have at least 3 days off per week, averaged over the shift cycle.

10 CFR 26.205(d)(4), states that:

During the first 60 days of a unit outage, licensees need not meet the requirements of paragraph (d)(3) of this section for individuals specified in § 26.4(a)(1) through (a)(4), while those individuals are working on outage activities. However, the licensee shall ensure that the individuals specified in § 26.4(a)(1) through (a)(3) have at least 3 days off in each successive (i.e., non-rolling) 15-day period and that the individuals specified in § 26.4(a)(4) have at least 1 day off in any 7-day period;

5.0 JUSTIFICATION FOR REQUEST

The startup from the current outage will be uniquely challenging in several respects:

The plant has undergone major modifications, including the replacement of the steam generators and many significant secondary components, which require post-modification testing that cannot be conducted while the plant is offline;

The plant's thermal-hydraulic response upon startup is expected to be somewhat different than previous plant startups; and,

The plant will have been offline for approximately 1 year at the time of restart.

Ensuring a sufficient number of qualified personnel are available to support these activities is in the interest of overall public health and safety.

CR-3 has transitioned all covered workers to an online schedule that complies with 10 CFR 26.205(d)(3) requirements. As an example, operations, I&C maintenance, chemistry, and health physics personnel averaged 41, 44, 44 and 48 hours per week under 10 CFR 26.205(b), respectively, during the shift cycle between February 15, 2010 and March 28,

2010. CR-3 intends to remain on a similar schedule until shortly before restart. As a result CR-3 is confident that cumulative fatigue will not be an issue going into the restart.

No waivers have been issued under 10 CFR 26.207 by CR-3 operations, maintenance, chemistry or health physics departments during the ongoing outage.

6.0 REGULATORY ANALYSIS

10 CFR 26.9, Specific exemptions, states that:

Upon application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

This exemption is authorized by law

The NRC authority to grant exemptions from the requirements of 10 CFR 26 is codified in 10 CFR 26.9. As discussed below, this exemption will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the NRC is authorized to issue the exemption.

The exemption will not endanger life or property

The underlying purpose of 10 CFR 26.205(d) is to provide licensees flexibility in scheduling required days off while accommodating the more intense work schedules associated with a unit outage, while assuring that cumulative fatigue does not compromise the abilities of individuals to safely and competently perform their duties. Therefore, no new accident precursors are created by invoking the less restrictive work hour limitations on a date commensurate with the start of activities supporting the restart of CR-3. CR-3 will effectively manage fatigue for the covered individuals prior to this date. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

The exemption is consistent with the common defense and security

The proposed exemption request would allow for the use of the less restrictive work hour requirements of 10 CFR 26.205(d)(4) in lieu of 10 CFR 26.205(d)(3). This exemption would affect operations, I&C maintenance, chemistry, and health physics personnel supporting restart activities for CR-3, which has been in an extended outage since September 2009. This change to the operation of the plant has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

This exemption is in the public interest

The proposed exemption would allow CR-3 to implement the less restrictive work hour requirements of 10 CFR 26.205(d)(4) in lieu of 10 CFR 26.205(d)(3) to allow flexibility in scheduling required days off while accommodating the more intensive work schedules that accompany a unit outage. During the CR-3 restart period, the workload for covered personnel will undergo a temporary but significant increase due to the various evolutions necessitated by the replacement steam generators, and other modifications. These evolutions are in addition to the normal unit startup activities involving operation and surveillance testing of primary systems and components. Ensuring a sufficient number of qualified personnel are available to support these activities is in the interest of overall public health and safety. Therefore, this exemption is consistent with the public interest.

7.0 PRECEDENTS

Exemptions to 10 CFR 26, wherein a licensee has been permitted to apply the less restrictive requirements of 10 CFR 26.205(d)(4) in lieu of 10 CFR 26.205(d)(3) during the restart from an extended outage have been approved by the Commission pursuant to 10 CFR 26.9 as follows:

Station	Date	Accession No.
Davis-Besse	June 24, 2010	ML101730457

8.0 REFERENCES

None

PROGRESS ENERGY FLORIDA, INC.

CRYSTAL RIVER UNIT 3

DOCKET NUMBER 50-302 /LICENSE NUMBER DPR-72

ENVIRONMENTAL ASSESSMENT

ATTACHMENT 2

ENVIRONMENTAL ASSESSMENT

Florida Power Corporation (FPC) is requesting a one-time exemption from the requirements of 10 CFR 26.205(d)(3). The proposed exemption would allow the use of the less restrictive working hour limitations of 10 CFR 26.205(d)(4) to be applied during the restart of Crystal River Unit 3 from its current extended outage, for a period not to exceed 60 days. Below is an environmental assessment for the proposed exemption.

- (1) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and does not alter the design, function or operation of any plant equipment. Therefore, issuance of this exemption does not increase the probability or consequences of an accident previously evaluated.
- (2) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and would not create any new accident initiators. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.
- (3) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not involve a significant reduction in the margin of safety.

FPC has also determined that the proposed exemption request does not involve:

- any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment.
- any changes to liquid radioactive effluents discharged to the environment.
- any changes to gaseous radioactive effluents discharged to the environment.
- any change in the type or quantity of solid radioactive waste generated.
- any change in occupational dose under normal or Design Basis Accident (DBA) conditions.
- any change in the public dose under normal or DBA accident conditions.
- any land disturbance.

Conclusion

There is no significant radiological environmental impact associated with the proposed exemption. The proposed exemption will not affect any historical sites nor will it affect non-radiological plant effluents.

PROGRESS ENERGY FLORIDA, INC.

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LIST OF REGULATORY COMMITMENTS

ATTACHMENT 3

LIST OF REGULATORY COMMITMENTS

The following table identifies the complete list of actions committed to by Florida Power Corporation (FPC) relevant to this exemption request to 10 CFR 26.205(d)(3). Any other actions discussed in the submittal represent intended or planned actions by FPC. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the Superintendent, Licensing and Regulatory Programs of any questions regarding this document or any associated regulatory commitments.

Commitment	Due Date
CR-3 will ensure that the affected individuals will not work excessive overtime during the period immediately preceding the implementation of the exemption to 10 CFR 26.205(d)(3). Specifically, CR-3 will ensure covered personnel, including those temporarily assigned to outages at other units, do not work greater than an average of 54 hours per week.	For a minimum of eight weeks preceding implementation of the exemption.