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U.S. Nuclear Regulatory Commission
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Reference: Docket No. 50-285

SUBJECT: Fort Calhoun Station, Unit No. 1 License Amendment Request for Adoption of TSTF-511, Rev. 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26"

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), the Omaha Public Power District (OPPD) is submitting a request for an amendment to the Technical Specifications (TS) for Fort Calhoun Station (FCS), Unit No. 1.

The proposed amendment would delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical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

FCS has custom TS; thus, there are minor differences with TSTF-511. First, the equivalent FCS TS where work hour restrictions are located is TS 5.2.2, paragraph e. This differs from TSTF-511, where work hour restrictions are located in TS 5.2.2, paragraph d. The NRC staff's model safety evaluation (SE) refers to the deletion of paragraph d, however, for FCS, the model SE would apply to the deletion of TS 5.2.2, paragraph e.

Second, while the verbiage of FCS, TS 5.2.2, paragraph e, is similar to the verbiage of TSTF-511, TS 5.2.2, paragraph d, it is not an exact duplicate. As noted in Attachment 1, these differences are insignificant as the intent of TSTF-511 is to delete TS superseded by the revised regulations in 10 CFR Part 26, Subpart I.

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).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS pages marked up to show the proposed change. Attachment 3 provides the proposed TS changes in final typed format. Attachment 4 provides the regulatory commitment.

OPPD requests approval of the proposed license amendment by August 1, 2009, to support implementation of TS changes concurrent with implementation of the new 10 CFR 26, Subpart I requirements by October 1, 2009.

This letter contains one regulatory commitment as identified in Attachment 4.

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated State of Nebraska official.

If you should have any questions regarding this submittal, please contact Mr. Bill Hansher at (402) 533-6894.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 30, 2009.



R. P. Clemens
Division Manager
Nuclear Engineering

RPC/MLE/mle

Attachments:

1. Evaluation of Proposed Change
2. Proposed Technical Specification Change (Mark-Up)
3. Proposed Technical Specification Change (Re-Typed)
4. List of Regulatory Commitments

c: E. E. Collins, NRC Regional Administrator, Region IV
A. B. Wang, NRC Project Manager
J. D. Hanna, NRC Senior Resident Inspector
Director of Consumer Health Services, Department of Regulation and
Licensure, Nebraska Health and Human Services, State of Nebraska

**Evaluation of Proposed Change 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."**

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

1.0 DESCRIPTION

The proposed license amendment request (LAR) 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." Minor differences between the proposed plant specific TS changes, and the changes proposed by TSTF-511 are listed in section 2.0. The availability of this Technical Specification (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).

2.0 PROPOSED CHANGE

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

This application is being made in accordance with the CLIP. The Omaha Public Power District (OPPD) is not proposing variations or deviations from the TS changes 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 CLIP Notice of Availability.

Fort Calhoun Station (FCS), Unit No. 1 has custom TS; thus, there are minor differences with TSTF-511. First, the equivalent FCS TS where work hour restrictions are located is TS 5.2.2, paragraph e. This differs from TSTF-511, where work hour restrictions are located in TS 5.2.2, paragraph d. The NRC staff's model SE refers to the deletion of paragraph d, however, for FCS, the model SE applies to the deletion of TS 5.2.2, paragraph e.

Second, while the verbiage of FCS, TS 5.2.2, paragraph e, is similar to the verbiage of TSTF-511, TS 5.2.2, paragraph d, it is not an exact duplicate. The most significant differences are as follows:

- TSTF-511, TS 5.2.2, paragraph d contains an example list by title of the personnel performing safety related functions. FCS, TS 5.2.2, paragraph e does not list the titles of the personnel that it applies to but instead notes that administrative procedures shall reflect the personnel whose work hours are affected.
- TSTF-511, TS 5.2.2, paragraph d states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. FCS, TS 5.2.2, paragraph e allows such deviations to be approved by

the department manager, plant manager, or their designated alternates or by higher levels of management.

- TSTF-511, TS 5.2.2, paragraph d requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. FCS, TS 5.2.2, paragraph e does not require that this review be independent but rather requires that the review be conducted by the department manager, plant manager, or their designated alternates or by higher levels of management.

These differences are insignificant as the intent of TSTF-511 is to delete Technical Specifications superseded by the revised regulations in 10 CFR Part 26, Subpart I.

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 e 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

OPPD has reviewed the SE published on December 30, 2008, (73 FR 79923) as part of the CLIIP Notice of Availability. OPPD has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to Fort Calhoun Station, Unit No. 1.

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 Technical Specifications 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 Technical Specifications.

Removal of the Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements, even if the Technical Specification change is implemented prior to the October 1, 2009 deadline. Along with this LAR, OPPD has submitted a commitment to comply with 10 CFR Part 26 concurrently with the implementation of the Technical Specification change.

5.0 REGULATORY SAFETY ANALYSIS

5.1 NO SIGNIFICANT HAZARDS DETERMINATION

The Omaha Public Power District (OPPD) has reviewed the no significant hazards determination published on December 30, 2008, (73 FR 79923) as part of the CLIP Notice of Availability. OPPD has concluded that the determination presented in the notice is applicable to Fort Calhoun Station, Unit No. 1. OPPD has evaluated the proposed changes to the TS using the criteria in 10 CFR 50.92 and has determined that the proposed changes do 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 Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Removal of the Technical Specification 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 Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification 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 Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification 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 Technical Specification 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, OPPD 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). OPPD 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 Fort Calhoun Station, Unit No. 1.

The proposed change eliminates the plant-specific Technical Specification administrative controls on working hours. The Technical Specification 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 Technical Specifications. The inclusion of requirements to control working hours and manage fatigue is not required to be in the Administrative Controls by 10 CFR Part 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 Technical Specifications to contain similar controls.

6.0 ENVIRONMENTAL CONSIDERATION

OPPD has reviewed the environmental evaluation included in the safety evaluation (SE) published on December 30, 2008, (73 FR 79923) as part of the CLIP Notice of Availability. OPPD has concluded that the staff's findings presented in that evaluation are applicable to Fort Calhoun Station, Unit No. 1. 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.
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 (Mark-Up)

TECHNICAL SPECIFICATIONS

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization (Continued)

- b. An Operator or Technician qualified in Radiation Protection Procedures shall be onsite when fuel is in the reactor.
- c. All core alterations shall be directly supervised by either a licensed Senior Reactor Operator or Senior Reactor Operator limited to fuel handling who has no other concurrent responsibilities during the operation.
- d. Fire protection program responsibilities are assigned to those positions and/or groups designated by asterisks in USAR 12.1-1 through 12.1-4 according to the procedures specified in Section 5.8 of the Technical Specifications.
- e. ~~Administrative procedures shall be developed and implemented to limit the working hours of plant staff who perform safety related functions. Administrative procedures shall reflect the personnel whose working hours will be affected. Shift coverage shall be maintained without routine heavy use of overtime.~~

~~Deviations from the guidelines shall be authorized in advance by the department manager, plant manager, or their designated alternates, or higher levels of management, in accordance with established procedures and with documentation of the basis for granting the deviation. Routine deviation from the administrative guidelines shall not be authorized.~~

~~Controls shall be included in the procedures such that individual overtime shall be reviewed periodically by the department manager, plant manager, or their designated alternates, or higher levels of management, to ensure that excessive hours have not been assigned.~~

- ~~fe.~~ The Manager - Shift Operations, the Shift Managers, and the Control Room Supervisors shall hold a senior reactor operator license. The Licensed Operators shall hold a reactor operator license.

5.3 Facility Staff Qualification

- 5.3.1 Each member of the plant staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions, with the exception of the Manager - Radiation Protection (MRP) and the Shift Technical Advisor (STA), the senior reactor operator licensees, and the reactor operator licensees, who shall meet the requirements set forth in Regulatory Guide 1.8, Revision 3, dated May 2000, entitled "Qualification and Training of Personnel for Nuclear Power Plants."

Proposed Technical Specification Change (Re-Typed)

TECHNICAL SPECIFICATIONS

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization (Continued)

- b. An Operator or Technician qualified in Radiation Protection Procedures shall be onsite when fuel is in the reactor.
- c. All core alterations shall be directly supervised by either a licensed Senior Reactor Operator or Senior Reactor Operator limited to fuel handling who has no other concurrent responsibilities during the operation.
- d. Fire protection program responsibilities are assigned to those positions and/or groups designated by asterisks in USAR 12.1-1 through 12.1-4 according to the procedures specified in Section 5.8 of the Technical Specifications.
- e. The Manager - Shift Operations, the Shift Managers, and the Control Room Supervisors shall hold a senior reactor operator license. The Licensed Operators shall hold a reactor operator license.

5.3 Facility Staff Qualification

- 5.3.1 Each member of the plant staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions, with the exception of the Manager - Radiation Protection (MRP) and the Shift Technical Advisor (STA), the senior reactor operator licensees, and the reactor operator licensees, who shall meet the requirements set forth in Regulatory Guide 1.8, Revision 3, dated May 2000, entitled "Qualification and Training of Personnel for Nuclear Power Plants."

List of Regulatory Commitments

Commitment:

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.