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DTE Energy



10 CFR 50.90

September 12, 2008
NRC-08-0061

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington D C 20555-0001

Reference: Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Proposed License Amendment to Remove Statements Related to
Nuclear Power Plant Staff Working Hours in Technical Specification

Pursuant to 10 CFR 50.90, "Application for amendment of license or construction permit," Detroit Edison hereby proposes to amend the Fermi 2 Plant Operating License, Appendix A, Technical Specifications (TS) to remove statements relating to Nuclear Power Plant Staff Working Hours in section 5.2.2, "Unit Staff". Specifically, subsection 5.2.2.e is proposed to be deleted.

The proposed change removes references or statements relating to nuclear power plant staff working hours. These requirements have been superseded by 10 CFR 26, Subpart I, "Managing Fatigue." The new rule for work hour controls and fatigue management was approved on April 17, 2007. Removal of TS 5.2.2.e will support the implementation of 10 CFR 26, Subpart I, within 18 months of the rule's published date. The rule was published on March 31, 2008, and is required to be implemented by October 1, 2009.

Enclosure 1 provides an evaluation of the proposed license amendment, including an analysis of the issue of significant hazards consideration using the standards of 10 CFR 50.92. Detroit Edison has concluded that the proposed change in this submittal does not result in a significant hazards consideration. Enclosure 2 provides marked up pages of the existing TS to show the proposed change. Enclosure 3 provides a typed version of the affected TS pages with the proposed change incorporated. Enclosure 4 provides a list of regulatory commitments.

ADD/
NRK

Detroit Edison has reviewed the proposed change against the criteria of 10 CFR 51.22 and has concluded that it meets the criteria provided in 10 CFR 51.22(c)(9) for a categorical exclusion from the requirements for an Environmental Impact Statement or an Environmental Assessment.

Detroit Edison requests NRC approval of this license amendment by June 9, 2009 to support the implementation of Subpart I of the revised rule on or before October 1, 2009.

The following commitment is being made in this document:

At the time the TS amendment is implemented, Detroit Edison will have fully implemented the new 10 CFR Part 26, Subpart I, rule.

Should you have any questions or require additional information, please contact Mr. Ronald W. Gaston of my staff at (734) 586-5197.

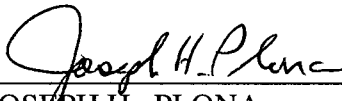
Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Plone". The signature is fluid and cursive, with the first name "Joseph" and last name "Plone" being the most prominent parts.

Enclosures

cc: NRC Project Manager
NRC Resident Office
Reactor Projects Chief, Branch 4, Region III
Regional Administrator, Region III
Supervisor, Electric Operators,
Michigan Public Service Commission

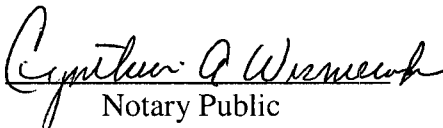
I, JOSEPH H. PLONA, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



JOSEPH H. PLONA
Site Vice President, Nuclear Generation

On this 12th day of September, 2008 before me personally appeared Joseph H. Plona, being first duly sworn and says that he executed the foregoing as his free act and deed.

CYNTHIA A. WISNIEWSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES May 30, 2013
ACTING IN COUNTY OF Wayne



Notary Public

**ENCLOSURE 1
TO NRC-08-0061**

**REQUEST TO REMOVE TECHNICAL SPECIFICATION SUBSECTION
5.2.2.e "NUCLEAR POWER PLANT STAFF WORKING HOURS"**

Evaluation of the Proposed License Amendment Request

Evaluation of Proposed License Amendment Request

Subject: Removal of information relating to plant staff working hours for Unit Staff in
Technical Specifications 5.2.2

TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
1.0 Description	2
2.0 Proposed Change	2
3.0 Background	2
4.0 Technical Analysis	3
5.0 Regulatory Safety Analysis	3
5.1 No Significant Hazards Consideration	3
5.2 Applicable Regulatory Requirements	5
6.0 Environmental Considerations	5
7.0 References	6

1.0 Description

In accordance with 10 CFR 50.90, "Application for amendment of license or construction permit," Detroit Edison requests a change to the Fermi 2 Technical Specification (TS) Number 5.2.2, "Unit Staff".

The proposed change will remove guidelines relating to nuclear power plant staff working hours. These guidelines have been superseded by 10 CFR 26, Subpart I, "Managing Fatigue." The new rule for work hour controls and fatigue management was approved by the NRC Commission on April 17, 2007 (Reference 1). Removal of statements relating to work hour guidance will support the requirement to be in compliance with 10 CFR 26, Subpart I, within 18 months of the rule's published date. The rule was published on March 31, 2008 (Reference 2), and is required to be implemented by October 1, 2009.

2.0 Proposed Change

The proposed change removes work hour guidance from the administrative controls section of Fermi 2 Technical Specification (TS) 5.2.2, to eliminate any potential conflict with the revised 10 CFR 26, Subpart I rules. The current Fermi 2 TS uses different terminology in addressing work hour guidance than the revised rule. These differences may lead to conflicting interpretations of the two documents.

3.0 Background

The NRC published Generic Letter (GL) 82-02, "Commission Policy on Overtime," which requested that all licensees revise the administrative section of their technical specifications to require that administrative procedures follow policy guidelines. The NRC later issued GL 82-12, "Nuclear Power Plant Staff Working Hours," which was a revision of past guidance and provided a discussion regarding the limitation of work hours to mitigate worker fatigue and the impact of fitness-for-duty on safety. GL 82-12 established overtime guidance for work hours beyond a "normal 8-hour day, 40-hour week." As a result, work hour guidance was incorporated into Detroit Edison's Fermi 2 TS.

Later, the NRC issued Amendment 113 (Reference 3) to Fermi 2 Technical Specifications. Detroit Edison proposed that the specific limits on nuclear plant staff working hours be replaced with a general requirement in the administrative controls for a procedure to establish and maintain work hour limits. It was concluded by the NRC that specific working hour limits are not otherwise required to be in the Technical Specification under 10 CFR 50.36 (d)(5) and are not important to the detection, prevention, or mitigation of an event.

On April 17, 2007, the NRC Commissioners approved a final rule amending 10 CFR 26 (Reference 1), which revised, reorganized, and clarified drug and alcohol testing programs,

partially granted two petitions for rulemaking and established requirements for managing worker fatigue at operating nuclear power plants. Subpart I specifically addresses managing worker fatigue by designating individual break requirements, work hour limits, and annual reporting requirements.

4.0 Technical Analysis

The new rule, which was established by 10 CFR 26, Subpart I, supersedes previous work hour guidance. 10 CFR 26, Subpart I, distinguishes between work hour controls and fatigue management and strengthens 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 limits 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 hours control scope includes operating and maintenance personnel, as well as those directing operating and maintenance personnel, performing work on risk-significant equipment, health physics and chemistry personnel who are a part of the on-site minimum shift complement, the fire brigade leader or advisor, and security personnel.

The proposed change removes limits imposed by GL 82-12 from the administrative section of TS to support compliance with 10 CFR 26, Subpart I. NRC approval of this change will support the implementation of the revised rule to ensure meeting the NRC's compliance deadline of October 1, 2009. Upon implementation, federal regulations will govern the requirements associated with work hour controls and fatigue management at Fermi 2. At the time the TS amendment is implemented Detroit Edison will have fully implemented the new 10 CFR Part 26, Subpart I, rule. The new work hour controls and fatigue management requirements have been incorporated into the CFR; therefore, it is unnecessary to have work hour control requirements in TS.

5.0 Regulatory Safety Analysis

5.1 No Significant Hazards Consideration

In accordance with 10 CFR 50.92, Detroit Edison has made a determination that the proposed amendment involves no significant hazards consideration. The proposed change to Technical Specification Section 5.2.2 does not involve a significant hazards consideration for the following reasons:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The removal of statements relating to work hour guidance will not remove the requirement to control work hours and manage fatigue. At the time the TS amendment is implemented, 10 CFR 26, Subpart I will have been fully implemented. The proposed change does not

impact the physical configuration or function of the plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested or inspected. The proposed change does not impact the initiators or assumptions of analyzed events, nor do they impact the mitigation of accidents or transient events.

This proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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 references of statements relating to staff working hours from TS to support the implementation of Subpart I of 10 CFR 26. The regulations in 10 CFR 26, Subpart I supersede the current guidance and add conservatism to work hour controls and fatigue management. Work hours will continue to be controlled in accordance with NRC requirements. The new rule continues to allow for deviations from work hour controls in order to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. This ensures that the new rule will not restrict work hours at the expense of the health and safety of the public or plant personnel.

The proposed change does not alter plant configuration, require that new plant equipment be installed, or alter assumptions made for accidents previously evaluated. The proposed change does not add any initiators, or impact the functions of plant SSCs or the manner in which SCCs are operated, maintained, modified, tested, or inspected.

Because the proposed change does not remove the station's requirements to control work hours, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

An input to maintaining the margin of safety is the control of work hours as a tool in managing fatigue. Fermi 2 will continue the fitness-for-duty and behavioral observation programs, both of which will be strengthened by compliance with the new rule. The proposed change does not involve any physical change to plant SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed change does not involve a change to any safety limits, limiting safety system settings, limiting conditions of operation, or design parameters for any SSC. The proposed change does not impact any safety analysis assumptions and does not involve changes in initial conditions, system response times, or other parameters affecting an accident analysis. Therefore, this proposed amendment does not involve a significant reduction in the margin of safety.

Based on the above, Detroit Edison has determined that the proposed license amendment does not involve a significant hazards consideration.

5.2 Applicable Regulatory Requirements/Criteria

10 CFR 50.36 (d)(5), "Administrative Controls," provides the regulatory requirements for the content required in the administrative controls section of TS. The Administrative Controls section contains administrative "provisions. . . necessary to assure the operation of the facility in a safe manner." Since the requirement to control work hours and manage fatigue is now required by 10 CFR 26, Subpart I, it is unnecessary to include duplicative requirements in the administrative control section of TS to assure working hours are controlled, such that the facility is operated in a safe manner. Furthermore, these TS references may be in conflict with 10 CFR 26, Subpart I. Removal of TS references relating to previous work hour guidance is not in conflict with 10 CFR 50.36 (d)(5) and supports station compliance with 10 CFR 26, Subpart I.

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 NRC'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.

6.0 Environmental Considerations

Detroit Edison has reviewed the proposed change against the criteria of 10 CFR 51.22 for environmental considerations. The proposed change does not involve a significant hazards consideration, nor does it significantly change the types or significantly increase the amounts of effluents that may be released offsite. The proposed change does not significantly increase individual or cumulative occupational radiation exposures. Based on the foregoing, Detroit Edison concludes that the proposed change meets the criteria provided in 10 CFR 51.22(c)(9) for a categorical exclusion from the requirements for an Environmental Impact Statement or an Environmental Assessment.

7.0 References

- 1) VR-SECY-06-0244, "Final Rulemaking – 10 CFR 26 – Fitness- For- Duty Program," dated April 17, 2007
- 2) Federal Register, Vol. 73, No. 62, p. 16966, "Fitness for Duty Programs," dated March 31, 2008
- 3) TAC No. M91189, "Fermi 2 – Issuance of Amendment Re: Relocation of items from the Administrative Controls Section of the Technical Specifications," dated September 10, 1997

**ENCLOSURE 2
TO NRC-08-0061**

**REQUEST TO REVISE TECHNICAL SPECIFICATION SUBSECTION
5.2.2.e "NUCLEAR POWER PLANT STAFF WORKING HOURS"**

MARKED -UP TS PAGES

Affected Pages:

5.0-3

5.0-4

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. At least two non-licensed operators shall be assigned while operating in MODE 1, 2, or 3 and at least one non-licensed operator shall be assigned whenever the reactor contains fuel.
- b. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, or 3, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
- c. 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.g 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.
- 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.

Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety related functions (e.g., licensed SROs, licensed ROs, radiation protection technicians, auxiliary operators, and key maintenance personnel). The controls shall include guidelines on working hours that ensure that adequate shift coverage is maintained without routine heavy use of overtime for individuals.

Any deviation from the established guidelines shall be authorized in advance by the Plant Manager or designee, in accordance with approved administrative procedures, or by higher levels of management, in accordance with established procedures and with documentation of the basis for granting the deviation.

(continued)

5.2 Organization (continued)

5.2.2 Unit Staff (continued)

~~Controls shall be included in the procedures such that individual overtime shall be reviewed monthly by the Plant Manager or designee to ensure that excessive hours have not been assigned. Routine deviation from the above guidelines is not authorized.~~

- f. The Superintendent-Operations, Assistant Superintendent-Operations, or the Operations Engineer shall hold an SRO license.
 - g. An STA shall be assigned whenever the reactor is operating in MODES 1, 2, and 3. The Shift Technical Advisor (STA) shall provide advisory technical support to the Nuclear Shift Supervisor (NSS) 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.
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(continued)

**ENCLOSURE 3
TO NRC-08-0061**

**REQUEST TO REVISE TECHNICAL SPECIFICATION
5.2.2.e "NUCLEAR POWER PLANT STAFF WORKING HOURS"**

CLEAN TS PAGES

New Pages
5.0-3
5.0-4

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. At least two non-licensed operators shall be assigned while operating in MODE 1, 2, or 3 and at least one non-licensed operator shall be assigned whenever the reactor contains fuel.
 - b. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, or 3, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
 - c. 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.g 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.
 - 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 Superintendent-Operations, Assistant Superintendent-Operations, or the Operations Engineer shall hold an SRO license.
 - g. An STA shall be assigned whenever the reactor is operating in MODES 1, 2, and 3. The Shift Technical Advisor (STA) shall provide advisory technical support to the Nuclear Shift Supervisor (NSS) 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.
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**ENCLOSURE 4
TO NRC-08-0061**

**REQUEST TO REVISE TECHNICAL SPECIFICATION
5.2.2.e "NUCLEAR POWER PLANT STAFF WORKING HOURS"**

LIST OF REGULATORY COMMITMENTS

Summary of Regulatory Commitments

The following table identifies those actions committed to by Detroit Edison in this document. Any other statements in the submittal are provided for information purposes and are not considered to be regulatory commitments.

COMMITMENT	COMMITTED DATE
At the time the Technical Specification amendment is implemented, Detroit Edison will have fully implemented the new 10 CFR Part 26, Subpart I rule.	By October 1, 2009 pending NRC approval