



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

June 19, 2009

Mr. Jack M. Davis
Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERMI 2 - ISSUANCE OF AMENDMENT RE: REMOVAL OF STATEMENTS
RELATED TO NUCLEAR POWER PLANT STAFF WORKING HOURS IN
TECHNICAL SPECIFICATIONS (TAC NO. MD9620)

Dear Mr. Davis:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 181 to Facility Operating License No. NPF-43 for the Fermi 2 facility. The amendment consists of changes to the Technical Specifications in response to your application dated September 12, 2008.

The amendment revises 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 deleting subsection 5.2.2.e. The requested amendment removes references to and limits imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours" from the administrative controls section of the Fermi 2 TS. The guidance in GL 82-12 has been superseded by the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, "Fitness for Duty Programs," Subpart I, "Managing Fatigue."

A copy of our 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 "Chawla M".

Mahesh L. Chawla, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosures:

1. Amendment No. 181 to NPF-43
2. Safety Evaluation

cc w/encls: Distribution via ListServ



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

DETROIT EDISON COMPANY

DOCKET NO. 50-341

FERMI 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 181
License No. NPF-43

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Detroit Edison Company (the licensee) dated September 12, 2008, 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-43 is hereby amended to read as follows:

Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 181 , and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. DECo shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented no later than October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Lois M. James, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility Operating License
and Technical Specifications

Date of Issuance: June 19, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 181

FACILITY OPERATING LICENSE NO. NPF-43

DOCKET NO. 50-341

Replace the following page of the Renewed Facility Operating License No. NPF-43 with the attached revised page. The changed area is identified by a marginal line.

REMOVE

INSERT

Page 3

Page 3

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 number and contain marginal lines indicating the areas of change.

REMOVE

INSERT

5.0-3

5.0-3

5.0-4

5.0-4

- (4) DECo, 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 such 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;
- (5) DECo, 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; and
- (6) DECo, pursuant to the Act and 10 CFR Parts 30, 40 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 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 or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

DECo is authorized to operate the facility at reactor core power levels not in excess of 3430 megawatts thermal (100% power) in accordance with conditions specified herein and in Attachment 1 to this license. The items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment 181 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this license. DECo shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

DECo shall abide by the agreements and interpretations between it and the Department of Justice relating to Article I, Paragraph 3 of the Electric Power Pool Agreement between Detroit Edison Company and

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.
-

THIS PAGE INTENTIONALLY LEFT BLANK



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 181 FACILITY OPERATING LICENSE NO. NPF-43

DETROIT EDISON COMPANY

FERMI 2

DOCKET NO. 50-341

1.0 INTRODUCTION

By application dated September 12, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML082630198), the Detroit Edison Company (DECo or the licensee) requested changes to the Technical Specifications (TSs) for Fermi 2. The proposed changes would remove statements relating to Nuclear Power Plant Staff Working Hours in Section 5.2.2, "Unit Staff," specifically deleting subsection 5.2.2.e. The requested amendment would remove references to and limits imposed by the U.S. Nuclear Regulatory Commission (NRC) Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours" from the administrative controls section of the Fermi 2 TS. The current working hour requirements were incorporated into the TSs as a result of the guidance in Nuclear Regulatory Commission (NRC or Commission) GL 82-12, "Nuclear Power Plant Staff Working Hours." The guidance in GL 82-12 has been superseded by the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, "Fitness for Duty Programs," Subpart I, "Managing Fatigue." The licensee stated that the proposed amendment would support implementation of the new requirements in Subpart I.

2.0 REGULATORY EVALUATION

On June 15, 1982, the NRC staff issued GL 82-12, "Nuclear Power Plant Staff Working Hours," (ADAMS Legacy Library Accession No. 8206160341) which was a revision of past guidance and discussions 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." GL 82-02, "Nuclear Power Plant Staff Working Hours," (ADAMS Legacy Library Accession No. 8202120001) which was issued prior to GL 82-12, requested that all licensees revise the administrative section of their TS to require that administrative procedures follow policy guidelines. GL 82-12 revised that guidance document. References to GL 82-12 were incorporated into the Fermi 2 TS, Section 5.0, "Administrative Controls," in accordance with 10 CFR 50.36, "Technical Specifications."

The regulations in 10 CFR Part 26, Subpart I, of the final rule specifically address managing worker fatigue by designating individual break requirements, work hour limits, and annual reporting requirements. On April 17, 2007, the Commission approved a final rule amending

10 CFR Part 26, as set forth in SECY-06-0244, titled "Final Rulemaking - 10 CFR Part 26 - Fitness-for-Duty Programs" (ADAMS Accession No. ML071070362). The amended rule was published in the *Federal Register* on March 31, 2008 (73 FR 16966), with required implementation no later than October 1, 2009.

3.0 TECHNICAL EVALUATION

The proposed changes remove references to and limits provided by GL 82-12 from the administrative controls section of Fermi 2 TS. The requirements established by 10 CFR Part 26, Subpart I, supersede the GL 82-12 guidance. Subpart I of 10 CFR Part 26 strengthens requirements for both work hour controls and fatigue management. Requirements in the rule include work hour limitations for rolling 24-hour, 48-hour, and 7-day periods, which were imposed by GL 82-12. The rule also includes a required minimum break between work periods and varying required minimum days off. Additionally, 10 CFR Part 26, Subpart I restricts the use of waivers used to deviate from requirements to situations where noncompliance with the regulations is necessary to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. The scope of the rule's requirements includes operating and maintenance personnel, as well as those directing operating and maintenance personnel, who perform 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 changes remove references to and limits provided by GL 82-12 from the administrative controls section of Fermi 2 TS to support compliance with 10 CFR Part 26, Subpart I. Upon implementation, federal regulations will govern the requirements associated with work hour controls and fatigue management at Fermi 2. The work hour controls and fatigue management requirements were incorporated into the *Code of Federal Regulations*; therefore, it is unnecessary to have work hour control requirements in the administrative control section of the TSs. As required by the rule (73 FR 16966), licensees must implement the requirements of 10 CFR Part 26, Subpart I, no later than October 1, 2009.

The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I, concurrent with the deletion of the TS references to GL 82-12. The commitment ensures work hour controls will be in effect continuously, either through the current TS requirements or through the requirements of 10 CFR Part 26, Subpart I. The requirements of 10 CFR Part 26, Subpart I, supersede GL 82-12 guidance, thus, the staff finds acceptable the removal of references to GL 82-12 guidance from TS.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Michigan State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The staff has determined that the amendment involves no significant increase in the amounts, and no

significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (73 FR 73353). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(ii). 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: K. Martin, NRR

Date: June 19, 2009

June 19, 2009

Mr. Jack M. Davis
Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERMI 2 - ISSUANCE OF AMENDMENT RE: REMOVAL OF STATEMENTS
RELATED TO NUCLEAR POWER PLANT STAFF WORKING HOURS IN
TECHNICAL SPECIFICATIONS (TAC NO. MD9620)

Dear Mr. Davis:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 181 to Facility Operating License No. NPF-43 for the Fermi 2 facility. The amendment consists of changes to the Technical Specifications in response to your application dated September 12, 2008.

The amendment revises 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 deleting subsection 5.2.2.e. The requested amendment removes references to and limits imposed by NRC Generic Letter (GL) 82-12, "Nuclear Power Plant Staff Working Hours" from the administrative controls section of the Fermi 2 TS. The guidance in GL 82-12 has been superseded by the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, "Fitness for Duty Programs," Subpart I, "Managing Fatigue."

A copy of our safety evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Mahesh L. Chawla, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosures:

1. Amendment No. 181 to NPF-43
2. Safety Evaluation

cc w/encls: Distribution via ListServ

DISTRIBUTION:

PUBLIC	LPL3-1 R/F	RidsAcrsAcnw_MailCTR Resource
RidsNrrDirsltsb Resource		RidsNrrDorlDpr Resource
RidsNrrDorlLpl3-1 Resource		RidsNrrPMFermi2 Resource
RidsNrrLABTully Resource		RidsOgcRp Resource
RidsRgn3MailCenter Resource		K. Martin, NRR

ADAMS Accession Number: ML091390646

OFFICE	NRR/LPL3-1/PM	NRR/LPL3-1/LA	IOLB/BC	ITSB/BC	OGC	NRR/LPL3-1/BC
NAM	MChawla	BTully	NSalgado	RElliott	STurk	LJames
DATE	06/18/09	06/18/09	5/13/09	06/16/09	05/22/09	06/19/09

OFFICIAL RECORD COPY