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DTE Energy



10 CFR 26

August 17, 2009
NRC-09-0050

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

- References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
- 2) NRC letter dated June 8, 2009, "Relaxation of Order for
Compensatory Measures Related to Fitness-for-Duty Enhancements
Applicable to Nuclear Facility Security Force Personnel"

Subject: Implementation of All Requirements of 10 CFR 26 Subpart I,
Prior to October 1, 2009

Detroit Edison is submitting this letter to the U.S. Nuclear Regulatory Commission (NRC) in response to Reference 2. On August 17, 2009 Fermi 2 fully implemented the amended 10 CFR Part 26, Subpart I "Fitness for Duty Programs".

On April 29, 2003, the USNRC issued Order EA-03-038, requiring compliance with specified compensatory measures related to Fitness for Duty (FFD) enhancements applicable to nuclear facility security personnel. Order EA-03-038 states that "all measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise."

The NRC amended 10 CFR Part 26, "Fitness for Duty Programs", through a final rule published in the Federal Register on March 31, 2008 (73 FR 17176). The rule became effective on April 30, 2008; however, licensees could defer implementation of Part 26, Subpart I, "Managing Fatigue", requirements to a date no later than October 1, 2009.

As described in Section IV.D of the Statement of Considerations for the final rule, the NRC found that the provision of Part 26, Subpart I, specified for security force personnel would replace the requirements imposed by the Order. Furthermore, the NRC recognized that

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Order EA-03-038 would need to be relaxed prior to licensee implementation of the rule in part because of some conflicting terminology and work hour calculation methods between the Order and the rule.

In Reference 2, the NRC states that Licensees will not be required to comply with the requirements of Order EA-03-038 for security force personnel provided that they implement all of the requirements of 10 CFR Part 26, Subpart I, prior to October 1, 2009, and submit a letter to the NRC under 10 CFR 50.4 that affirms the implementation of the Part 26, Subpart I requirements. This letter provides the required notification for Fermi 2.

Should you have any questions, please contact Mr. Rodney W. Johnson, Manager Nuclear Licensing, of my staff at (734) 586-5076.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph R. Plone". The signature is written in a cursive style with a large initial "J".

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