



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
April 21, 2010

Mr. Joseph J. Hagan
President and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
76 South Main Street
Akron, OH 44320

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2; DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1; AND PERRY NUCLEAR POWER PLANT, UNIT NO. 1 - REQUEST FOR ADDITIONAL INFORMATION REGARDING THE FIRSTENERGY NUCLEAR OPERATING COMPANY EXEMPTION REQUEST FROM PORTIONS OF 10 CFR PART 26, "FITNESS FOR DUTY PROGRAMS" (TAC NOS. ME2652, ME2653, ME2654 AND ME2655)

Dear Mr. Hagan:

By letter to the Nuclear Regulatory Commission (NRC) dated November 13, 2009, (Agencywide Documents Access and Management System Accession No. ML093240130), FirstEnergy Nuclear Operating Company (FENOC) submitted an exemption request from Title 10 of the Code of Federal Regulations (10 CFR) Part 26.5 "Definitions," that specify the applicability of shift schedules with respect to the minimum day off requirements for the subject plants. Specifically, FENOC requested that the breakpoint, which defines the boundary of an 8-hour shift schedule and a 10-hour shift schedule, be changed from 9 hours to 9.5 hours.

The NRC staff is reviewing your submittal and has determined that additional information is needed to complete the review. The specific information requested is addressed in the enclosure to this letter. During a discussion with your staff on March 17, 2010, it was agreed that you would provide a response 60 days from the date of this letter.

The NRC staff considers that timely responses to requests for additional information help ensure sufficient time is available for staff review and contribute toward the NRC goal of efficient and effective use of staff resources. If circumstances result in the need to revise the requested response date, please contact me at (301) 415-3867.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Mahoney", written over a horizontal line.

Michael Mahoney, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, 50-346, and 50-440

Enclosure:
RAI

cc w/encl: Distribution via Listserv

REQUEST FOR ADDITIONAL INFORMATION

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2; DAVIS-BESSE

NUCLEAR POWER STATION, UNIT NO. 1; AND PERRY NUCLEAR POWER

PLANT, UNIT NO. 1

PROPOSED EXEMPTION REQUEST

DOCKET NOS. 50-334, 50-412, 50-346, AND 50-440

By letter dated November 13, 2009, (Agencywide Documents Access and Management System Accession No. ML093240130), FirstEnergy Nuclear Operating Company (FENOC), requested an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 26.5 "Definitions," that specify the applicability of shift schedules with respect to the minimum day off requirements for Beaver Valley Power Station, Unit Nos. 1 and 2, Davis-Besse Nuclear Power Station, Unit No. 1, and Perry Nuclear Power Plant, Unit No. 1. Specifically, FENOC requested that the breakpoint, which defines the boundary between an 8-hour shift schedule and a 10-hour shift schedule, be changed from 9 hours to 9.5 hours.

The Nuclear Regulatory Commission (NRC) staff has performed a preliminary review of the exemption request and has determined that the following additional information is needed in order to complete its review:

1. Permitting the breakpoint for an 8-hour shift to relax from 9 hours to 9.5 hours will allow the individual working an 8-hour schedule to work a total of 57 hours a week, every week. The exemption request stated that a 9.5-hour work day leaves a 14.5-hour break period, "which is ample time for restorative sleep." A daily break is a remedy for acute fatigue not for cumulative fatigue. Please provide a strategy or rationale that would address the cumulative fatigue developed as a result of working 57 hours a week and having only 1-day off each week.
2. The exemption request states "the current definition of an 8-hour shift schedule essentially eliminates it as a work option since if these tasks, plus any overtime required to address plant issues, average over 30 minutes per day, the individual then becomes a 10-hour shift schedule employee." Has FENOC fully evaluated the flexibility of 8-hour and 10-hour shift schedules? For example, a five day a week, 9.5-hour work period falls into the category of a 10-hour shift schedule, which requires an average of 2 days off each week. The 9.5-hour work day also allows for a 6.5-hour work period on the 6th (or 7th) day of the week. Please provide a rationale for why the various 8-hour and 10-hour schedules specifically do not provide the required flexibility.

ENCLOSURE

April 21, 2010

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FirstEnergy Nuclear Operating Company
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/RA/
Michael Mahoney, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, 50-346, and 50-440

Enclosure:

RAI

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ADAMS Accession No. ML101020130

*Memo Dated 3/11/10

Nrr-088

OFFICE	LPL3-2/PM	LPL1-1/PM	LPL3-2/LA	DIRS/IHPB/BC
NAME	MMahoney	NMorgan w/comments	THarris	UShoop
DATE	04/15/10	04/15/10	04/15/10	03/11/10*
OFFICE	LPL3-2/BC	LPL1-1/BC		
NAME	SCampbell	RGuzman w/comments for NSalgado		
DATE	04/21/10	04/19/10		