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President and Chief Nuclear Officer

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June 7, 2010
L-10-170

10 CFR 26

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Beaver Valley Power Station, Unit Nos. 1 and 2
Docket No. 50-334, License No. DPR-66
Docket No. 50-412, License No. NPF-73

Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3

Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Withdrawal of Request for Exemption from Portions of 10 CFR 26, "Fitness For Duty Programs" (TAC Nos. ME2652, ME2654, and ME2655)

By letter dated November 13, 2009, the FirstEnergy Nuclear Operating Company (FENOC) submitted a request for exemption from the portions of 10 CFR 26.5, "Definitions," that define the applicable shift schedules by changing the breakpoint between an 8-hour shift and a 10-hour shift by a half hour, from 9 hours to 9.5 hours.

By letter dated April 21, 2010, the Nuclear Regulatory Commission (NRC) requested additional information in order to complete the review of the request for exemption. In this request for additional information (RAI), the NRC questioned whether FENOC had fully evaluated the flexibility of 8-hour and 10-hour shift schedules. The RAI provides the following example as an allowed method of providing flexibility without requiring an exemption from the existing regulations:

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.

The method of complying with the minimum day off requirements that is demonstrated by the above example provides adequate flexibility; therefore, based on the acceptability of applying this method, FENOC hereby withdraws this request for exemption.

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NRC

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There are no regulatory commitments contained in this letter. If there are any questions, or if additional information is required, please contact Mr. Gregory H. Halnon, Director – Regulatory Affairs, at (330) 384-5534.

Sincerely,



James H. Lash

cc: NRC Region I Administrator
NRC Region III Administrator
NRC Resident Inspector (Beaver Valley Power Station, Unit Nos. 1 and 2)
NRC Resident Inspector (Davis-Besse Nuclear Power Station)
NRC Resident Inspector (Perry Nuclear Power Plant)
NRR Project Manager - Beaver Valley Power Station, Unit Nos. 1 and 2
NRR Project Manager - Davis-Besse Nuclear Power Station
NRR Project Manager - Perry Nuclear Power Plant
Director BRP/DEP
Site BRP/DEP Representative
Utility Radiological Safety Board