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December 6, 2021
NRC-21-0057

10 CFR 26.9
10 CFR 26.205(d)

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

Fermi 2 Power Plant
NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Fermi 2 Work Hour Limits Exemption Request due to COVID-19

- References:
- 1) NRC Letter from H. Nieh to NEI, "U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Work Hour Controls During the Coronavirus Disease 2019 Public Health Emergency," March 28, 2020 (ML20087P237).
 - 2) NRC Letter from J. Lubinski and H. Nieh to NEI, "U.S. Nuclear Regulatory Commission Updated Planned Actions Related to Certain Requirements for Operating and Decommissioning Reactor Licensees During the Coronavirus Disease 2019 Public Health Emergency," dated November 10, 2020 (ML20261H515)
 - 3) NRC Letter to DTE Electric, "Fermi Unit 2 – Exemption from Select Requirements of 10 CFR Part 26 (EPID L-2021-LLE-0025 [COVID-19])," dated April 22, 2021 (ML21109A374)

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), DTE Electric Company (DTE) is requesting NRC approval for Fermi Unit 2 (Fermi 2) to proactively enter into the alternative work hour controls delineated in References 1 and 2. By implementing the alternative work hour controls, DTE is proactively taking steps to maintain staffing levels in a manner that supports worker and neighboring community safety to limit the spread of the COVID-19 virus. The alternative work hour controls will be used to support Fermi 2 efforts to maintain Center for Disease Control and Prevention (CDC) recommendations related to social distancing, worker screening, and limiting close-proximity work.

The alternative controls will support maintaining staffing requirements as a result of continuing personnel absence due to COVID-19 positive test results or contact tracing quarantines that cannot be accommodated by the current work hour control requirements of 10 CFR 26.205(d) to

support plant operational safety and security. Current levels of COVID-19 cases in the state of Michigan and the area immediately surrounding Fermi 2 could impact the station’s ability to meet the work hour controls of 10 CFR 26.205(d) in maintaining minimum staffing and ensuring an adequate number of qualified individuals who perform covered work are available to complete necessary operations, tests, inspections, and maintenance in a manner that supports nuclear safety and security. Particularly, given the COVID-19 challenge in the immediate community of Fermi 2 and the DTE corporate COVID-19 strategy, leveraging the alternative work hour controls will facilitate further worker and community protection as the reactor is operated safely and efficiently.

As the US Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. Fermi 2 operation must be conducted such that the plant is available when needed.

DTE previously requested, and received, NRC approvals for work hour limits exemptions due to COVID-19. The most recent exemption period, as provided in Reference 3, expired June 22, 2021, and Fermi 2 has been following normal work hour limits since that time. A resurgence in COVID-19 in Michigan and the area immediately surrounding Fermi 2 has led to the new exemption request in this letter. This new exemption request is independent from the prior expired exemption and sufficient time (i.e., more than 14 days) has elapsed such that there are no concerns regarding cumulative fatigue from the prior exemption period.

In accordance with References 1 and 2, the following information is provided:

- Positions (as described in 10 CFR 26.4(a)(1) – (5)) for which either current work-hour controls will be maintained, or for which alternative controls will be required to maintain staffing.
- The date and time for which alternative controls (if necessary) will be implemented for the listed positions.

10 CFR	Positions	Compliance	Begin Implementation
26.4(a)(1)	Operators	Will use site-specific alternative controls as defined in References 1 and 2	With NRC approval, will implement the alternative approach at time 00:00 on December 10, 2021 (as warranted by COVID-19 conditions)
26.4(a)(2)	Health Physics		
	Chemistry		
26.4(a)(3)	Fire Brigade		
26.4(a)(4)	Maintenance		
26.4(a)(5)	Security		

Fermi 2 site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in References 1 and 2. Fermi 2 will continue to follow the fatigue management controls, behavioral observation requirements, and self-declaration allowances currently delineated within the Fermi 2 work hour control program and procedures (MGA10 and MGA16).

With NRC approval, at time 00:00 on December 10, 2021, Fermi 2 will implement the alternative controls described below and discussed in References 1 and 2 for the management of fatigue during the 60-day period of the exemption. Note that Fermi 2 only plans to implement the alternative controls when warranted by the COVID-19 conditions during the 60-day exemption period (i.e., normal or outage work hour controls would be continued or restored if conditions allow). The alternative controls ensure that covered workers are subjected to the following minimum controls:

- (1) not more than 16 work-hours in any 24-hour period and not more than 86 work-hours in any 7-day period, excluding shift turnover;
- (2) a minimum 10-hour break is provided between successive work periods;
- (3) 12-hour shifts are limited to not more than 14 consecutive days;
- (4) a minimum of 6 days off are provided in any 30-day period;
- (5) the calculation of work hours and days off includes all work hours and days off during the applicable calculation periods, including those work hours and days off preceding initiation of the exemption period; and
- (6) requirements are established for behavioral observation and self-declaration during the period of the exemption

As described above, the requirements of 10 CFR 26.33, "Behavioral observation"; 10 CFR 26.209, "Self-declarations"; and 10 CFR 26.211, "Fatigue assessments" remain in effect during the period of the exemption. These requirements provide reasonable assurance that should personnel become impaired due to fatigue, requirements and processes are in place to identify the impairment through observation by plant staff or by worker self-declaration, and to assess and address instances of impairment through fatigue assessments.

DTE is requesting approval of this request based on an expected need for the exemption given the current trend of COVID-19 conditions. As indicated above, the alternative controls would be implemented as warranted by COVID-19 conditions during the 60-day period of the approved exemption. Near the end of the 60-day period, if COVID-19 pandemic conditions persist at the site affecting staffing requirements, a supplemental request may be submitted.

DTE requests approval of this request by no later than December 10, 2021.

No new commitments are being made in this submittal.

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Should you have any questions or require additional information, please contact Mr. Ertman L. Bennett III, Manager – Nuclear Licensing, at (734) 586-4273.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Dietrich". The signature is stylized with large, bold letters and a prominent flourish at the end.

Peter Dietrich
Senior Vice President and Chief Nuclear Officer

cc: NRC Project Manager
NRC Resident Office
Regional Administrator, Region III