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**Detroit Edison**



January 14, 2000  
NRC-00-0012

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 Inspection Report 50-341/99009,  
dated July 12, 1999
  - 3) NRC Inspection Report 50-341/99010 (EA 99-185),  
dated August 10, 1999
  - 4) Detroit Edison Letter to NRC (NRC 99-0087), Reply to  
Notice of Violation (99010-01), dated October 12, 1999
  - 5) NRC Letter to Detroit Edison, Response to Notice of  
Violation (Fermi Inspection Report 50-341/99010(DRP)),  
dated December 15, 1999
  - 6) Detroit Edison Letter to NRC, "License Event Report  
(LER) No. 99-009," NRC-00-0011, dated January 14,  
2000

Subject: Corrective Actions Related to a Notice of Violation (99010-01)

References 2 and 3 discuss activities at Fermi 2 during the week of May 3, 1999. During that week, a Division I Emergency Diesel Generator (EDG) was removed from service while portions of the Standby Liquid Control System (SLCS), which are powered from the Division II electrical busses, were declared inoperable. With an EDG in one division inoperable, the Fermi 2 Technical Specifications (TS) in effect at the time, specifically TS ACTION 3.8.1.1.c, required verification that all "required systems" powered from the opposite division were operable. Detroit Edison did not consider the SLCS to be a "required system." The NRC concluded that these activities were in violation of the Fermi 2 Technical Specifications (TS) and issued

the violation contained in Reference 3. Detroit Edison disagreed that a TS violation had occurred, and contested the violation for the reasons explained in detail in Reference 4.

By letter dated December 15, 1999 (Reference 5), the NRC responded to Reference 4, upholding the violation and conclusion that the SLCS is a "required system" in the context of TS 3.8.1.1.c. Because Detroit Edison had contested the violation, Reference 4 did not address corrective action planned or taken to address the violation. Accordingly, Detroit Edison is required to submit a response describing corrective action being taken or planned to address the violation. This letter provides that response.

Detroit Edison attributes the cause of this violation to the apparently erroneous conclusion that the SLCS was not a required system in the context of TS 3.8.1.1.c. Existing guidance was not unambiguous that the SLCS should have been considered to be a required system considering its unique nature as discussed in Reference 4. There was a lack of specific administrative guidance to assist operations personnel in determining which systems needed to be verified to comply with TS 3.8.1.1.c. Consequently, the scope of the verification was determined on a case by case basis each time TS 3.8.1.1.c. was invoked.

Upon receipt of Reference 5, Condition Assessment and Resolution Document (CARD) 99-19377, was initiated on December 21, 1999, to acknowledge and implement this NRC position. Reference 5 was made required reading for oncoming operations crews. Control room operators were informed that the SLCS should be considered a required feature for Improved Technical Specifications (ITS) Limiting Condition for Operation (LCO) 3.8.1, AC Sources – Operating, Required Action A.2. This ITS provision maintains a similar requirement to former TS 3.8.1.1.c. The ITS were implemented for Fermi 2 on October 31, 1999.

In addition, because a condition prohibited by Technical Specifications was deemed to have occurred on May 5, 1999, CARD 99-19377 initiated the preparation of Licensee Event Report (LER) 99-009 in accordance with 10 CFR 50.73(a)(2)(i)(B). This LER is being submitted on the same day as this letter, within 30 days of the date of Reference 5.

As acknowledged in Reference 3, on May 5, 1999, once the control room operators became aware of the NRC inspector concerns regarding compliance with TS 3.8.1.1.c, immediate actions were taken to restore power to the Division II powered SLCS components. Power was restored at approximately 1032 hours on May 5, 1999 obviating any further immediate concern regarding the configuration of the plant and compliance with TS 3.8.1.1.c. Condition Assessment and Resolution Document (CARD) 99-13518 was initiated at that time to enter this issue into the Fermi 2 Corrective Action Program. Since that time, Detroit Edison has avoided

situations that would conflict with NRC interpretation of "required systems," while Detroit Edison pursued its disagreement with the NRC position that a violation had occurred.

The evaluation of this issue identified areas where improvements could be made in the decision making process which led to this situation. As part of the resolution of CARDS 99-19377 and 99-13518, a list of required features, including the SLCS, is being developed for use in complying with ITS LCO 3.8.1, Required Action A.2. The development of this list will include consideration of NRC positions documented in References 3 and 5. The list will remove subjectivity from implementation of this ITS requirement. The list will be developed by February 29, 2000. This corrective action will be sufficient to prevent recurrence.

Any further corrective actions relating to this violation will be implemented commensurate with established priorities and processes of the Fermi 2 Corrective Action Program.

Reference 6 contained Detroit Edison's commitments regarding this event. No additional commitments are being made in this letter.

Should you have any questions or require additional information, please contact Mr. Norman K. Peterson of my staff at (734) 586-4258.

Sincerely,



cc: A. J. Kugler  
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