

June 25, 1991

Docket No. 50-341

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Mr. William S. Orser
 Senior Vice President - Nuclear
 Operations
 Detroit Edison Company
 6400 North Dixie Highway
 Newport, Michigan 48166

Dear Mr. Orser:

SUBJECT: FERMI-2 (TAC NO. 77690)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" concerning your application for amendment dated May 18, 1990. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

original signed by

John F. Stang, Project Manager
 Project Directorate III-1
 Division of Reactor Projects III/IV/V
 Office of Nuclear Reactor Regulation

Enclosure:
 As stated

cc w/enclosure:
 See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

June 25, 1991

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Mr. William S. Orser
Senior Vice President - Nuclear
Operations
Detroit Edison Company
6400 North Dixie Highway
Newport, Michigan 48166

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Sincerely,

A handwritten signature in cursive script, appearing to read "John F. Stang".

John F. Stang, Project Manager
Project Directorate III-1
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. William Orser
Detroit Edison Company

Fermi-2 Facility

cc:
John Flynn, Esq.
Senior Attorney
Detroit Edison Company
2000 Second Avenue
Detroit, Michigan 48226

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Division of Radiological Health
P. O. Box 30195
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Preparedness
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Monroe, Michigan 48161

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Ms. Lynne Goodman
Director - Nuclear Licensing
Detroit Edison Company
Fermi Unit 2
6400 North Dixie Highway
Newport, Michigan 48166

UNITED STATES NUCLEAR REGULATORY COMMISSIONDETROIT EDISON COMPANYDOCKET NO. 50-341NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPF-43 issued to Detroit Edison Company (the licensee) for operation of Fermi-2 located in Monroe County, Michigan.

The proposed amendment would revise the Technical Specifications (TS) by adding a second Fuel Storage Pool Area Criticality Monitor to Table 3.3.7.1-1 of the TS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed change against the above standards as required by 10 CFR 50.92.

The proposed change would not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change does not change or affect any accident or transient analysis, does not physically modify the plant and does not introduce a new mode of plant operation. The proposed change adds a second Area Criticality Monitor to the Technical Specifications to ensure that the redundancy requirement of 10 CFR 70.24 is maintained. The addition of this monitor to Technical Specification does not require a plant modification or new mode of plant operations because the subject monitor is currently installed and fully functional. The proposed ACTION statement more accurately represents the LCO by requiring continuous monitoring of the subject area if both criticality monitors are inoperable and fuel movement is in progress.

The proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not introduce a new mode of plant operation or involve a physical modification to the plant.

The proposed change would not involve a significant reduction in a margin of safety because, as previously mentioned above, the change does not physically modify the plant and does not introduce a new mode of plant operation. The proposed change does not change any safety limit or limiting safety system setpoint, or modify any safety related system. The proposed change will

increase the margin of safety because the reliability of the spent fuel pool area criticality monitoring system has been increased by requiring two monitors as compared to one. Additionally, the proposed ACTION statement more accurately represents the LCO by requiring continuous monitoring of the subject area if both criticality monitors are inoperable and fuel movement is in progress.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 1, 1991 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555 and at the Local Public Document Room located at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding;

(2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment

under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards

consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

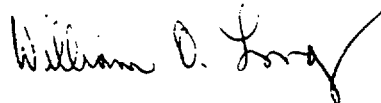
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ledyard Marsh: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 18, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555 and at the Local Public Document Room located at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 25th day of June 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



William O. Long, Acting Director
Project Directorate III-1
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation