

September 12, 1997

Mr. Douglas R. Gipson
Senior Vice President
Nuclear Generation
Detroit Edison Company
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AN AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING - ENRICO FERMI ATOMIC POWER PLANT, UNIT 2 (TAC NO. M99501)

Dear Mr. Gipson:

Enclosed is a copy of the subject notice that relates to the Detroit Edison Company's application for amendment for the Enrico Fermi Atomic Power Plant, Unit 2 dated September 5, 1997. The proposed amendment would add a special test exception to allow inservice leak and hydrostatic testing at temperatures above 200 °F and less than or equal to 212 °F while remaining in Operational Condition 4. This request is being treated as an exigent amendment in accordance with 10 CFR 50.91(a)(6)(i)(A).

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY

Andrew J. Kugler, Project Manager
Project Directorate III-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosure: Notice

cc w/encl: See next page

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Mr. Douglas R. Gipson
Detroit Edison Company

Fermi 2

cc:

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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 A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECo or the licensee), for operation of the Enrico Fermi Atomic Power Plant Unit 2 (Fermi 2) located in Monroe County, Michigan. This action is in response to the licensee's application dated September 5, 1997.

The proposed amendment would add Special Test Exception 3/4.10.7, "Inservice Leak and Hydrostatic Testing," that allows the performance of pressure testing at a reactor coolant temperature up to 212 °F while remaining in Operational Condition 4. This special test exception would also require that certain Operational Condition 3 specifications for Secondary Containment Isolation, Secondary Containment Integrity, Secondary Containment Automatic Isolation Dampers, and Standby Gas Treatment System operability be met. This change would also revise the Index, Table 1.2, "Operational Conditions," and the Bases to incorporate the reference to the proposed special test exception.

During May of 1997, the licensee identified a small fuel leak based on increasing offgas radiation levels. As a result, the licensee began making plans for an outage to identify and replace the leaking fuel. This outage is

currently scheduled to begin on October 3, 1997. A reactor coolant system inservice leak test (System Leakage Test) must be performed prior to startup from this outage. Compared to a typical refueling outage, this outage will be shorter in duration and will not include the replacement of as much fuel. Therefore, the System Leakage Test will be performed with a higher decay heat load than that encountered during a normal refueling outage. The licensee has indicated that during the final planning for the outage, it recently recognized that the anticipated decay heat levels would not allow sufficient time to conduct the System Leakage Test in a controlled, deliberate manner within the Technical Specifications limits governing test temperatures. Without the proposed Special Test Exception, the licensee has stated it is not confident that the System Leakage Test can be accomplished within the 200 °F reactor coolant temperature limit. The licensee has also stated that, once the need for the amendment was recognized, that the license amendment request was prepared and reviewed in an expeditious manner. In its September 5, 1997, application, the licensee requested that this amendment be reviewed under exigent circumstances.

The NRC staff has reviewed the circumstances related to this proposed amendment and has determined that the licensee could not have reasonably avoided the exigent circumstances and that the licensee used its best efforts to make a timely application for the amendment. In addition, the staff has determined that the failure to process this amendment request in a timely manner would result in the prevention of resumption of the operation of Fermi 2. Therefore, the NRC will process this proposal as an exigent amendment.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does this change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change allows the performance of inservice leak and hydrostatic testing at a reactor coolant temperature of greater than 200 °F but less than or equal to 212 °F while considering the plant to remain in OPERATIONAL CONDITION 4. This change to permit the average reactor coolant temperature to be increased above 200 °F, but not greater than 212 °F while performing inservice leak and hydrostatic testing will not significantly increase the probability of an accident previously evaluated. These tests are performed nearly water solid with all control rods fully inserted. Therefore, the stored energy in the reactor core and coolant will be very low and the potential for causing fuel failures with a subsequent increase in coolant activity is minimal. The restrictions provided in the proposed Special Test Exception, to require Secondary Containment Integrity and Standby Gas Treatment System OPERABILITY, provide assurance that any potential releases into secondary containment will be restricted from direct release to the environment and will be adequately filtered if released. With the reactor coolant temperature limited to 212 °F, there will be little or no flashing of coolant to steam, and any release of radioactive materials will be minimized. Therefore, this change will not significantly increase the consequences of an accident. In the event of a large primary system

leak, the reactor vessel will rapidly depressurize allowing the low pressure Emergency Core Cooling Systems (ECCS) to operate. The capability of the required ECCS in OPERATIONAL CONDITION 4 is adequate to maintain the core flooded under these conditions. Small system leaks will be detected by leakage inspections, which are an integral part of the inservice leak and hydrostatic testing program, before any significant inventory loss can occur. Therefore, this change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does this change create the possibility of a new or different kind of accident from any accident previously evaluated?

Allowing the reactor to be considered to remain in OPERATIONAL CONDITION 4 during inservice leak and hydrostatic testing, with reactor coolant temperatures greater than 200 °F but less than or equal to 212 °F, is an exception to certain OPERATIONAL CONDITION 3 requirements including those associated with Primary Containment Integrity and full complement operability of the ECCS systems. The inservice leak and hydrostatic test conditions remain unchanged otherwise. The reactor coolant system is designed for temperatures exceeding 500 °F with similar pressures; and therefore, any leaks occurring will be bounded by the main steam line break outside containment analysis provided in Section 15.6.4 of the UFSAR [updated final safety analysis report]. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

The proposed change allows inservice leak and hydrostatic testing to be performed with reactor coolant temperatures of up to 212 °F, and the reactor to be considered to remain in OPERATIONAL CONDITION 4. The reactor vessel head will be in place, Secondary Containment Integrity will be maintained and the systems required in OPERATIONAL CONDITION 4 will be OPERABLE in accordance with the Technical Specifications; therefore, the proposed change will not have a significant impact on any design basis accident or safety limit. Inservice leak and hydrostatic testing is performed water solid, or nearly water solid with reactor coolant temperature [less than or equal to] 212 °F. The stored energy in the core and the coolant will be very low and the potential for failed fuel and a subsequent increase in coolant activity will be minimal. The reactor pressure vessel will rapidly depressurize in the event of a large primary system leak, and the low pressure ECCS systems required to be OPERABLE in OPERATIONAL CONDITION 4 will be adequate to maintain the core flooded, thus ensuring that the fuel will not exceed the 2200 °F peak clad temperature limit. Additionally, requiring Secondary Containment Integrity will result in any potential airborne radiation being filtered through the SGTS [standby gas treatment system], thus ensuring that offsite doses remain well within the 10CFR100 limits. Small system leaks will be detected by leakage inspections before any significant inventory

loss can occur. Therefore, this special test exception will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 14-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 in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike,

Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 14, 1997, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, 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 a 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 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

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

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

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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, 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 presiding 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 September 5, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 9th day of September 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



Andrew J. Kugler, Project Manager
Project Directorate III-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation