

August 10, 1994

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

Dear Mr. Gipson:

SUBJECT: FERMI 2 - ISSUANCE OF ONE-TIME EXEMPTION FROM THE REQUIREMENT OF
10 CFR 50 APPENDIX E, FOR CONDUCT OF A FERMI 2, 1994 EMERGENCY PLAN
PARTIAL PARTICIPATION EXERCISE (TAC NO. M89394)

The Commission has granted the enclosed exemption regarding the requirements in Appendix E, Section IV.F.3 of 10 CFR Part 50. The exemption allows a one-time exemption from the requirement to conduct a 1994 Fermi 2 emergency plan partial participation exercise. We understand that you will continue to support the State and local governments in their respective portions of the partial participation exercise scheduled for September 20, 1994, and that the State and local governments support your exemption request. We find that granting the exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v).

The original of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

Timothy G. Colburn, Sr. Project Manager
Project Directorate III-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosures:
See next page

OFFICE	LA:PD31	PM:PD31 <i>Rec</i>	OGC <i>[initials]</i>	D:PD31	AD:RIII <i>[initials]</i>	D:DRPW
NAME	<i>[initials]</i> Lamerson	TColburn:g11	<i>[initials]</i>	LMars <i>[initials]</i>	JZwolinski	JRoe <i>[initials]</i>
DATE	7/19/94	7/19/94	7/26/94	7/29/94	8/1/94	8/1/94

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Mr. Douglas R. Gipson
Detroit Edison Company

Fermi-2

cc:

John Flynn, Esquire
Senior Attorney
Detroit Edison Company
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Lynne S. Goodman
Director - Nuclear Licensing
Detroit Edison Company
Fermi-2
6400 North Dixie Highway
Newport, Michigan 48166

DATED: August 10, 1994

EXEMPTION TO FACILITY OPERATING LICENSE NO. NPF-43-FERMI-2

Docket File
NRC & Local PDRs
PDIII-1 Reading
W. Russell/F. Miraglia
R. Zimmerman
J. Lieberman, 0-7H5
J. Roe
J. Zwolinski
L. B. Marsh
C. Jamerson
T. Colburn
OGC-WF
E. Jordan
G. Hill (2)
ACRS (10)
OPA
OC/LFDCB
B. McCabe, 0-17G21
M. Phillips, R-III
SEDB



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
DETROIT EDISON COMPANY
(Fermi, Unit 2)

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Docket No. 50-341

EXEMPTION

I.

Detroit Edison (the licensee) is the holder of Facility Operating License No. NPF-43, which authorizes operation of Fermi 2 at steady state reactor power levels not in excess of 3430 megawatts thermal. This license provides, among other things, that the licensee is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (NRC) now or hereafter in effect. The Fermi 2 facility consists of a boiling water reactor located at the licensee's site in Monroe County, Michigan.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor are exercised biennially, with full or partial participation by State and local governments, within the plume exposure pathway emergency planning zone.

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The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are: (1) authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR Part 50 indicates that special circumstances exist when an exemption would provide only temporary relief from applicable regulation and the licensee has made good faith efforts to comply with the regulations.

III.

By letter dated April 19, 1994, as supplemented June 23, 1994, the licensee requested an exemption from the schedule requirement of Section IV.F.3 of Appendix E to perform a partial participation emergency preparedness exercise for Fermi 2 during 1994. The licensee stated in the request that its response to the actual emergency event which occurred on December 25, 1993, demonstrated the adequacy of its emergency plan and its ability to successfully respond to an accident. Granting the exemption will allow the licensee to spend its resources to repair the damage to the plant and restart the facility.

In the area of emergency preparedness and planning, the licensee's performance has been excellent. In the last two SALP (systematic assessment of licensee performance) rating periods, Fermi 2 has received category 1 ratings in the Emergency Preparedness category and in the new Plant Support category, which includes emergency preparedness activities. This reflects a consistent high level of onsite emergency preparedness.

In addition, the licensee has demonstrated an ongoing commitment to support and maintain its emergency preparedness program. In the last 18 months, the licensee has conducted five full-scale drills and a medical drill, and conducted an annual partial participation exercise in July 1993.

On December 25, 1993, an accident occurred at the facility which resulted in the declaration of an Alert. There was a catastrophic failure of the turbine generator which caused a reactor scram, a fire, and significant damage to the turbine auxiliary systems. During the event, the licensee implemented its Fermi 2 emergency plan and activated a portion of its emergency response organization, including the technical support center, operations support center, and alternate operations support center. The AIT (augmented inspection team) report covering the event and the response to the event identified some problems with the licensee's ability to classify the event and perform personnel accountability. In response to these findings, the licensee has performed additional training in the simulator, modified and revised procedures, and conducted an integrated onsite drill on June 8, 1994, to verify the plant staff's capability to classify an event and to demonstrate personnel accountability.

In its letter requesting an exemption, Detroit Edison included letters from the two surrounding counties and the State of Michigan. All three letters concurred with the licensee's request as long as the licensee will continue to support the September 1994 offsite exercise. FEMA (Federal Emergency Management Agency) Headquarters and FEMA Region V have reviewed the request and agree with the position taken by the State and local officials.

The licensee has committed to support the State and local support agencies by providing communication links, scenario data and interface staff at the JPIC (joint public information center).

IV.

Based on a consideration of the facts presented in Section III above, the NRC staff finds that the following factors support the granting of the requested exemption:

- a. The licensee demonstrated adequate response to the December 25, 1993, turbine-generator failure event.
- b. FEMA, State and local agencies have indicated agreement with the proposed exercise exemption for 1994.
- c. The licensee has a strong emergency preparedness program, as indicated by its last two SALP ratings. It has supported its program with a continuing series of drills to maintain its performance levels. In response to the AIT inspection and the concerns in the area of event classification and accountability, the licensee has instituted additional training, revised its procedures, and held an integrated drill on June 8, 1994, to demonstrate its ability to classify an event and account for its staff during an emergency.
- d. The licensee has committed to support the State and local agencies in their September 1994 offsite exercise by supplying scenario data, communication links and staffing for the JPIC.
- e. The licensee will conduct a utility-only exercise in July 1995. The requested exemption is a one-time event, which will result in cancelling the partial participation exercise scheduled for

September 1994 and rescheduling a utility-only exercise in July 1995. The exemption will relieve the licensee of the resource burden of conducting an exercise while trying to repair the damage to the facility and return the plant to service. Based on the factors considered above, the Commission has concluded that granting the proposed exemption will not result in a decrease in the effectiveness of the licensee's emergency preparedness program.

The special circumstances for granting this exemption pursuant to 10 CFR 50.12 have also been identified. As stated in part in 10 CFR 50.12(a)(2)(v), special circumstances are present when the exemption would provide only temporary relief from the applicable regulation and the licensee has made a good faith effort to comply with the regulation. The licensee has made a good faith effort to comply with the regulations by conducting the required full-participation exercises at Fermi 2 with the State and local government agencies since 1985. The licensee has taken into consideration the various concerns of FEMA and the local governments by supporting the September exercise being conducted by the State and local governments. All affected parties support the proposed exercise schedule change. Granting the proposed exemption provides a one-time only relief from the requirement of 10 CFR 50, Appendix E, Section IV.F.3. Therefore, the Commission concludes that special circumstances are present.

V.

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12(a)(2), the exemption requested by the licensee's letter of April 19, 1994, as supplemented June 23, 1994, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common

defense and security. The NRC further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(v) are present justifying the exemption.

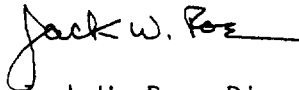
Therefore, the NRC hereby approves the following exemption:

Fermi 2 is exempt from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.3, for the conduct of a partial participation emergency preparedness exercise in 1994, provided that a utility-only exercise be conducted by July 1995.

Pursuant to 10 CFR 51.32, the NRC has determined that the granting of this exemption will have no significant effect on the quality of human environment (59 FR 40626).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Jack W. Roe, Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 10th day of August 1994