

September 7, 1993

Docket No. 50-341

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 AMENDMENT RE: REMOVAL OF COMPLETED LICENSE  
CONDITIONS (TAC NO. M79793)

The Commission has issued the enclosed Amendment No. 92 to Facility Operating License No. NPF-43 for the Fermi-2 facility. The amendment consists of changes to the Facility Operating License in response to your letter dated November 14, 1990.

The amendment deletes license conditions and other provisions of the Facility Operating License which have been completed. The staff did not approve the deletion of License Condition 2.C.(1), Attachment 1, Items 1 and 2, for reasons stated in the staff's Safety Evaluation.

A copy of our Safety Evaluation is also enclosed. The notice of issuance will be included in the Commission's biweekly Federal Register notice. A copy of the Notice of Denial of Amendment also to be published in the Federal Register for those items not approved is enclosed for your information.

Sincerely,  
ORIGINAL SIGNED BY

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

Enclosures:

- 1. Amendment No. 92 to NPF-43
- 2. Safety Evaluation
- 3. Notice of Denial

cc w/enclosures: BC:SPLB CMcCracken 7/12/93 BC:SRXB RCJones 7/19/93 BC:HICB JMeriel 8/5/93 BC:RHPB REckenrode 8/11/93 BC:RPFB GZech 8/19/93 BC:EMCB JStrosnider 8/14/93

OFFICE	LA:PDIII-1	PM:PDIII-1	BC:SCS	OGC	(A)PD:PDIII-1
NAME	CJamerson	TColburn:dy	RBarrett	WDean	
DATE	7/13/93	7/16/93	7/23/93	8/13/93	9/7/93
COPY	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

BC:PTB  
RAErickson  
8/19/93

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PDR

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Mr. Douglas R. Gipson  
Detroit Edison Company

Fermi-2

cc:

John Flynn, Esquire  
Senior Attorney  
Detroit Edison Company  
2000 Second Avenue  
Detroit, Michigan 48226

Nuclear Facilities and Environmental  
Monitoring Section Office  
Division of Radiological Health  
Department of Public Health  
3423 N. Logan Street  
P. O. Box 30195  
Lansing, Michigan 48909

Mr. Wayne Kropp  
U.S. Nuclear Regulatory Commission  
Resident Inspector Office  
6450 W. Dixie Highway  
Newport, Michigan 48166

Monroe County Office of Civil  
Preparedness  
963 South Raisinville  
Monroe, Michigan 48161

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

Mr. William E. Miller  
Director - Nuclear Licensing  
Detroit Edison Company  
Fermi-2  
6400 North Dixie Highway  
Newport, Michigan 48166

DATED: September 7, 1993

AMENDMENT NO. 92 TO FACILITY OPERATING LICENSE NO. NPF-43-FERMI-2

Docket File

NRC & Local PDRs

PDIII-1 Reading

J. Roe

J. Zwolinski

W. Dean

C. Jamerson

T. Colburn

M. Virgilio

OGC-WF

D. Hagan, 3302 MNBB

G. Hill (2), P-137

Wanda Jones, MNBB-7103

C. Grimes, 11/F/23

ACRS (10)

OPA

OC/LFDCB

W. Shafer, R-III

cc: Plant Service list



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

DETROIT EDISON COMPANY

DOCKET NO. 50-341

FERMI-2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 92  
License No. NPF-43

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by the Detroit Edison Company (the licensee) dated November 14, 1990, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the following sections under paragraph 2.C. of Facility Operating License No. NPF-43 are hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A as revised through Amendment No. 92 and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the license. DECo shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

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(5) Deleted

(6) Deleted

(8) Deleted

(9) Modifications for Fire Protection (Section 9.5.1, SSER #5 and SSER #6)\*

DECO shall implement and maintain in effect all provisions of the approved fire protection program as described in its Final Safety Analysis Report for the facility through Amendment 60 and as approved in the SER through Supplement No. 5, subject to the following provision:

(a) DECO may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

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3. Further, Attachment 2, Emergency Response Capabilities, to License No. NPF-43, formerly referenced in deleted license condition 2.C.(17), is also deleted.

4. This license amendment is effective as of the date of its issuance with full implementation within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Attachment:

Pages 4 and 5 of License No. NPF-43\*

(Pages 6, 6a, and 7 of License No. NPF-43 are removed)

Date of Issuance: September 7, 1993

\*Pages 4 and 5 are attached, for convenience, for the composite license to reflect these changes.

Consumers Power Company as specified in a letter from DECo to the Director of Regulation, dated August 13, 1971, and the letter from Richard W. McLaren, Assistant Attorney General, Antitrust Division, U.S. Department of Justice, to Bertram H. Schur, Associate General Counsel, Atomic Energy Commission, dated August 16, 1971.

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- (5) Deleted
- (6) Deleted
- (7) Deleted
- (8) Deleted
- (9) Modifications for Fire Protection (Section 9.5.1, SSER #5 and SSER #6)\*

DECo shall implement and maintain in effect all provisions of the approved fire protection program as described in its Final Safety Analysis Report for the facility through Amendment 60 and as approved in the SER through Supplement No. 5, subject to the following provision:

- (a) DECo may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(10) Emergency Diesel Generator (EDG) Engine Special Inspection Program

- (a) DECo shall perform gap checks on each EDG engine main bearing within seven days following every automatic, unprelubricated engine start, or every six months, whichever occurs first. The six month check must be performed within six weeks of the six month interval due date. The plant shall be in the appropriate Technical Specifications LCO if the window of test performance is exceeded.
- (b) DECo shall obtain and analyze, once each month, an engine lube oil sample from each EDG except when an EDG is unavailable for service. Should each of two consecutive samples analyzed identify foreign matter/deposits which exceed DECo established limits and which could degrade crankshaft bearing performance, DECo shall inform the NRC immediately and, within 15 working days following such notification, submit a report of analysis results and the detailed corrective action to be taken.

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\*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.

(11) Low-Pressure Turbine-Disc Inspection (Section 10.2.2, SER)\*

DECo shall perform an inspection of the low-pressure turbine-discs during the second refueling outage, including volumetric examination of the disc base using ultrasonic techniques. The frequency of subsequent inspections shall be in accordance with the turbine manufacturer's recommendations.

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\*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. \_\_\_\_\_ TO FACILITY OPERATING LICENSE NO. NPF-43

DETROIT EDISON COMPANY

FERMI-2

DOCKET NO. 50-341

1.0 INTRODUCTION

By letter dated November 14, 1990, the Detroit Edison Company (DECo or the licensee) requested an amendment to Facility Operating License No. NPF-43 for Fermi-2. The proposed amendment would delete license conditions and other provisions of the Facility Operating License which have been completed. These conditions and other provisions were contained in the Fermi-2 full power operating license issued on July 15, 1985. The licensee has provided a justification and basis for removal for each license condition for which removal is requested.

2.0 EVALUATION

Each license condition for which removal has been requested is evaluated separately. The licensee's justification and the staff's assessment and finding with respect to that justification are listed in numerical order.

LICENSE CONDITION 2.C.(1)

This request was submitted when the maximum authorized power level was 3293 megawatts thermal. Subsequently, the staff has approved operation at a maximum authorized power level of 3430 megawatts thermal by Amendment No. 87. This will be reflected in the licensee's request by substituting the currently authorized power level in lieu of the licensee's wording which reflected the old power level. All other wording and changes are as proposed by the licensee.

Current Wording

Maximum Power Level

DECo is authorized to operate the facility at reactor core power levels not in excess of 3430 megawatts thermal (100% power) in accordance with the conditions specified herein and in Attachment 1 to this license. The items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

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P PDR

Proposed Wording

Maximum Power Level

DECo is authorized to operate the facility at reactor core power levels not in excess of 3430 megawatts thermal (100% power) in accordance with the conditions specified herein.

The licensee's basis for the change is that all items in attachment 1 to the license have been completed as specified below. Therefore, no further reference to attachment 1 is required.

The staff has, for the reasons stated below, been unable to approve deletion of the Attachment 1, Items 1 and 2 conditions from the Fermi-2 license at this time; therefore, the staff cannot approve the proposed change to License Condition 2.C.(1).

LICENSE CONDITION NO. 2.C.(1), ATTACHMENT 1, ITEM 1.

The preoperational tests and testing deficiencies identified in Attachments A and B, respectively, to the July 8, 1985 letter from Wayne H. Jens to James G. Keppler shall be completed in accordance with the scheduled commitments contained in those attachments.

The licensee's submittal stated as basis for removal of this license condition, that the NRC review of the Fermi-2 startup testing program was completed and documented in NRC inspection report 50-341/89030 (DRP). This implies that the inspection report would provide evidence that the schedule for completion of preoperational tests and testing deficiencies documented in Attachments A and B of July 8, 1985, letter from Jens (DECo) to Keppler (NRC) would be met per Attachment 1, Item 1. In reviewing the inspection report results, the inspectors indicated that they reviewed certain Startup Test Phase Tests (STUTs) to verify that the required test objectives and acceptance criteria were met. However, there is no easily identifiable correlation between the numbered STUTs in the inspection report and the line items in attachments A and B of the July 8, 1985, letter. The staff is unable to verify, using the documentation referenced in the licensee's submittal, that all of the line items of Attachments A and B of the licensee's July 8, 1985, letter have been completed as scheduled. Therefore, the staff cannot approve the deletion of this item from the Fermi-2 license at this time.

LICENSE CONDITION NO. 2.C.(1), ATTACHMENT 1, ITEM 2

Prior to startup following the first refueling outage, correct all remaining drawing deviations identified during walkdowns associated with the resolution of 10 CFR 50.55(e), Item No. 143, "Deviations of As-Built Plant from Design Documents." Demonstrate that all design documents related to the subject 50.55(e), Item No. 143, are reconciled to the as-built configuration of the plant.

The licensee's basis for removal of this item is a licensee letter dated, November 30, 1989, documenting completion of the outstanding deviations and a subsequent NRC inspection report, 50-341/90013, which reviewed the Fermi-2 as-built/configuration management program. The staff has reviewed the referenced documents. The licensee's November 30, 1989, letter asserts that the remaining Category C deviations associated with the related license condition have been resolved and that this resolution has been reviewed by the Plant Safety Review Group and has undergone a Quality Assurance Department audit on a sampling basis to ensure that the deviations have been properly resolved. However, the licensee's November 30, 1989, letter does not enumerate the deviations, nor does the reference to the Quality Assurance Department September 1989 audit allude to the scope of the audit other than on a sampling basis. The referenced NRC inspection report identifies a previously open item (341/88014-02) for failure to keep NIAS design basis reconciliation documents current, a previously unresolved item (341/88037-12) related to as-built drawing discrepancies, and a previously open item (341/89200-01) related to as built drawing discrepancies. These remained open as of the date of issuance of the inspection report. Additionally, new open items on termination cabinet wiring discrepancies (341/90013-10), the use of uncontrolled handwritten labels in electrical cabinets (341/90013-11), and abandoned stanchion supports (341/90013-12) were identified at the conclusion of the inspection. It is not clear whether or not these open and unresolved items relate to the deviations which are the subject of License Condition 2.C.(1), Attachment 1, Item 2. Nor is it clear whether the inspection report was intended to review the completion or resolution of the deviations. Based on the above, the staff cannot approve deletion of this item from the Fermi-2 license at this time.

LICENSE CONDITION 2.C.(4)

Safety/Relief Valve In-Plant Testing (Section 3.8.1, Supplemental Safety Evaluation Report (SSER) #5)

Prior to completing the startup test program, DECo shall perform a series of in-plant tests of the safety/relief valves (SRVs). The acceptance criteria for these tests are contained in Section 2.13.9, "SRV Load Assessment by In-Plant Tests" of NUREG-0661, "NRC Acceptance Criteria for the Mark I Containment Long-Term Program." The results of these tests shall be reported to the NRC staff within six months of completing this test series.

The licensee's basis for removal of this license condition is its September 11, 1987, submittal of the in-plant tests of the Fermi-2 SRVs which were conducted on March 11 - 12, 1987. An additional letter dated August 12, 1988, was submitted in response to a staff request for additional information. The staff then issued a Safety Evaluation dated January 18, 1990, which concluded that the licensee satisfied this license condition by performing in-plant tests for confirming SRV discharge loads in accordance with the guidelines of NUREGs-0661 and -0763. The staff has reviewed the previously issued Safety Evaluation and it appears that the above License Condition 2.C.(4) has been met. Therefore, deletion of this license condition is acceptable.

LICENSE CONDITION 2.C.(5)

Suppression Pool Temperature Measurements (Section 3.8.1 SSER #5)

DECo should accomplish during the first fuel cycle, all the tasks described in its letter dated March 6, 1985, regarding the series of SRV tests which will confirm its methodology for measuring the suppression pool bulk temperature.

The licensee's basis for removal of this license condition is that it provided results of SRV testing by letters dated October 20, 1989 and April 3, 1990. Subsequently, on May 4, 1990, the NRC staff issued its Safety Evaluation which concluded that DECo had satisfied each of the technical requirements of its March 6, 1985 letter and had satisfied License Condition 2.C.5.

We have reviewed the above documents and it appears that License Condition 2.C.(5) has been met. Therefore, deletion of this license condition is acceptable.

LICENSE CONDITION 2.C.(6)

Environmental Qualification (Section 3.11, SSER #5)

No later than November 30, 1985, DECo shall environmentally qualify all electrical equipment according to provisions of 10 CFR 50.49.

The licensee's basis for removal is its letter dated December 12, 1986, which documents compliance with this license condition. Additionally, the license referenced the SER, Supplement 5, Section 3.11, which documents the acceptance of the Fermi-2 compliance to 10 CFR 50.49 save for the open items which were the subject of the above license condition. The licensee further references the NRC staff's letter of January 20, 1987, which stated that, subject to confirmatory audit by the NRC regional staff, the licensee had satisfied the license condition. Lastly, the licensee references inspection report 50-341/89026 which documents the results of two inspections under which the confirmatory audit was conducted. No open or unresolved items or violations of NRC requirements resulted from those inspections.

The staff has reviewed the reference documents listed above and while the staff notes that a violation was issued for failure to qualify certain components by November 30, 1985, it appears that the violation and all other open and unresolved items have been resolved. Therefore, deletion of this license condition is acceptable.

LICENSE CONDITION 2.C.(7)

Control Room Habitability (Section 6.4.1, SSER #6)

Prior to startup following the first refueling outage, DECo shall provide assurance to the NRC staff that potential contamination pathways through those portions of the control room air-conditioning system which are external to the control room zone, will not have a significant adverse

impact on control room habitability, or will propose a technical specification which provides for periodic leakage testing to assure the integrity of those external portions of the control room air-conditioning system.

This license condition was deleted with the issuance of Amendment No. 88 dated October 15, 1992, to the Fermi-2 Facility Operating License No. NPF-43.

LICENSE CONDITION 2.C.(8)

Study of Multiple Control System Failures (Section 7.7.2, SER)

Prior to startup following the first refueling outage, DECo shall provide the NRC staff for its review and approval, the necessary analysis or modifications needed to resolve the impact of control system failures due to a failure or malfunction of power sources or sensors which provide power or signals to two or more control systems.

The licensee's basis for removal is its letters dated September 12 and 28, 1989, which submitted control system common power supply and common sensor failure evaluation reports, respectively, for NRC review and approval. The licensee also references the NRC staff's Safety Evaluation, dated December 4, 1989, of the review of those reports which concluded that the net effect of a non-safety common power source/instrument failure was bounded by events postulated in the Updated Final Safety Analysis Report (UFSAR), Chapter 15 accident analyses. The staff also concluded that the licensee had satisfied the requirements of License Condition 2.C.(8).

The staff has reviewed the referenced documents listed above and it appears that License Condition 2.C.(8) has been met. Therefore, deletion of this license condition is acceptable. The staff notes that section 7.7.2 of the SER raised an additional concern of control system failures as a consequence of high energy line breaks. This concern was resolved in SSER #1. The staff also notes that although the staff's December 4, 1989, Safety Evaluation identified three electrical bus failures, any one of which would result in a turbine trip and reactor scram without bypass valves opening, the UFSAR does not appear to have been updated to reflect this.

LICENSE CONDITION 2.C.(9)

Modifications for Fire Protection (Section 9.5.1, SSER #5 and SSER #6)

DECo shall implement and maintain in effect all provisions of the approved fire protection program as described in its Final Safety Analysis Report for the facility through Amendment 60 and as approved in the SER through Supplement No. 5, subject to the following provision:

- (a) DECo may make changes to the approved fire protection program without prior approval of the Commission only if these changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- (b) DECo shall install and make operational, the independent alternate shutdown system in accordance with the schedule contained in its letter dated July 5, 1985. The interim procedures and measures described in Section 9.5.1 and Appendix E of SSER #5 and #6 shall continue to be implemented, including removal of power from the Division 1 cooling tower bypass valve (No. E1150-F603A) and from either the single series valve (No. E1150-F008) in the Residual Heat Removal (RHR) system or the two parallel RHR suction valves (Nos. E1150-F608 and E1150-F009) during normal plant operation until the independent alternate system is declared operational.

The licensee requests removal of provision (b) only. The staff notes that this paragraph is not labeled "(b)" in the current Fermi license but is a second paragraph of 2.C.(9)(a). The licensee's basis for removal of this provision is that the Alternate Shutdown System was installed at Fermi-2 in late 1985, as per the schedule of its July 5, 1985 letter. The system was inspected by NRC Region III inspectors as described in Special Safety Inspection Report 85-050. License Amendment No. 59 was issued to the Fermi-2 Facility Operating License on October 4, 1990, which added Limiting Conditions for Operation and Surveillance Requirements for the Alternate Shutdown System to the Technical Specifications (TS). On this basis, the licensee states that the Alternate Shutdown System is fully operational and maintained and provision (b) is no longer necessary.

The staff has reviewed the above referenced documents, and it appears that the Alternate Shutdown System is functional and is maintained in accordance with the TS. The staff agrees that the above provision is no longer necessary, therefore, deletion of this portion of License Condition 2.C.(9) is acceptable.

LICENSE CONDITION NO. 2.C.(12)

Retention of Persons with BWR Operating Experience on Shift (Section 13.1, SSER #5, TAC No. 59615)

At all times the plant is in an operating condition other than cold shutdown or refueling, DECo shall have a licensed senior operator on each shift who has had at least six months of hot operating experience on a similar type plant, including at least six weeks at power levels greater than 20 percent of full power, and who has had start-up and shutdown experience. For those shifts where such an individual is not available on the plant staff, DECo shall provide an advisor who has had at least four years of power plant experience, including two years of nuclear plant experience, and who has had at least one year of experience on shift as a licensed senior operator at a similar type facility. Use of advisors who were licensed only at the reactor operator level or who otherwise do not fully meet the criteria for shift advisor, will be evaluated by the NRC staff on a case-by-case basis. As a minimum, DECo shall train these advisors on the procedures, Technical Specifications and plant systems for the Fermi-2 facility and DECo shall examine the advisors on these topics at a level which will assure their familiarity with the plant. For each shift, the remainder of the shift crew shall be trained in the role of the advisors. These advisors, or suitably qualified replacements, shall be

retained until at least one of the senior operators on each shift has the required experience. The NRC staff shall be notified at least 30 days prior to the release of any special assigned advisor who has been provided in accordance with this license condition.

The licensee's basis for removal is its letter dated August 26, 1988, informing the NRC that the Fermi-2 operations staff had achieved the required level of experience required by the license condition and of its intent to take the Shift Operation Advisors (SOA,) off shift upon completion of the startup test program or following 30 days of the date of the August 26, 1988 letter, whichever is later. The licensee also references the NRC staff's January 3, 1990 letter which concluded that the intent of the license condition had been met and that removal of the SOAs from shift was acceptable.

The staff has reviewed the above referenced documents and it appears that the required level of experience stipulated by the license condition has been met and that the SOAs are no longer necessary, therefore, deletion of this license condition is acceptable.

LICENSE CONDITION NO. 2.C.(13)

Inservice Inspection Program, (TAC No. 59616)

Prior to September 30, 1985, DECo shall submit an initial inservice inspection program for NRC staff review and approval.

The licensee's basis for removal is its letter to the NRC staff dated September 30, 1985, which provided the Fermi-2 Inservice Inspection Program and its letter of April 2, 1987, which provided an updated version of the Inservice Inspection Program. The licensee also referenced the NRC staff's October 6, 1987, Safety Evaluation which concluded that the Fermi-2 Inservice Inspection Program was acceptable and in compliance with the provisions of 10 CFR 50.55a(g)(4), "Inservice Inspection Requirements".

The staff has reviewed the above referenced documents and has determined that deletion of the above license condition is acceptable.

LICENSE CONDITION NO. 2.C.(14)

Initial Test Program (Section 14, SER)

Any changes to the Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

The licensee's basis for removal is that the Initial Test Program has been completed and the final supplement to the Startup Test Report has been submitted in accordance with TS 6.9.1.3 by letter dated December 20, 1988. Based upon completion of the Initial Test Program, this license condition is no longer needed.

The staff has reviewed the above referenced document and determined that changes to the Initial Test Program are properly documented in the Startup Test Report of December 20, 1988. The staff agrees that as the Initial Test Program has been completed, this license condition is no longer necessary and may be deleted.

LICENSE CONDITION NO. 2.C.(15)

Iodine/Particulate Sampling System (Section 22, Item II.F.1(2), SSER #6, TAC No. 59617)

Prior to startup following the first refueling outage, DECo shall demonstrate that the operating iodine/particulate sampling system will perform its intended function.

The licensee's basis for removal is the staff's letter of February 19, 1987, which identified sample line loss correction factors for iodine plate out and particulate deposition as the only remaining open item for this issue. By letter dated October 31, 1989, prior to startup from the first refueling outage, the licensee submitted the results of the sample line loss test conducted by its contractor, Science Applications International Corporation (SAIC). The licensee states that as a result of actions taken as described in its October 31, 1989 letter, this license condition has been satisfied and is no longer necessary.

The staff has reviewed the above referenced documents. Additionally, the staff has reviewed the staff's Safety Evaluation dated October 28, 1991, which evaluated the SAIC report and was issued subsequent to the licensee's amendment application. The Safety Evaluation concluded that the SAIC report was acceptable for use at Fermi-2 and that the iodine/particulate sampling system at Fermi-2 conforms to the requirements of NUREG-0737, Attachment 2, Item II.F.1. Based on our review of the above referenced documents, the staff has determined that deletion of this license condition is acceptable.

LICENSE CONDITION NO. 2.C.(16)

Emergency Planning

In the event that the NRC finds that lack of progress in completing the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provision of Section 50.54(s)(2) of 10 CFR Part 50 will apply.

The licensee's basis for removal is a letter dated March 9, 1987, from the Federal Emergency Management Agency (FEMA) to the NRC's Executive Director for Operations indicating that the state and local emergency plans and preparedness for Fermi-2 are in place and adequate to protect the public health and safety. The licensee further states that the provisions of 10 CFR

50.54(s)(2) would be applicable to Fermi-2 regardless of whether substantive problems exist in maintaining an adequate state of emergency preparedness. Therefore, the license condition should be removed, since the intent is met.

The NRC staff has reviewed the above referenced document and the licensee's basis for removal of the license condition. Using the acceptance criteria of Section 13.3 of the Standard Review Plan, NUREG-0800, dated July 1981, the staff performed an evaluation of the Fermi-2 emergency preparedness capability for meeting the requirements of 10 CFR 50.47(b), 10 CFR 50, Appendix E, and the guidance contained in NUREG-0654/FEMA-REP-1, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants", dated November 1980. This review is documented in Section 13.3 of Supplement No. 3 to the Fermi-2 Safety Evaluation Report (SSER #3). FEMA's review responsibility was in assessing the offsite emergency preparedness capability of state and local governments. The staff concluded that upon satisfactory correction of those items requiring resolution, and upon completion of those items committed to by the licensee in Section 13.3.2 there will be an adequate demonstration of an acceptable state of emergency preparedness. Further status is detailed in SSERs #4 and #5 dated September 1984 and July 1985, of the licensee's resolution of those items. Final acceptance of the state of emergency preparedness is documented in Section 13 of SSER #6, dated July 1985.

The licensee has since that time demonstrated acceptable levels of emergency preparedness through the conduct of annual emergency preparedness exercises. Based on the staff's review of the above documents, the staff has determined that deletion of License Condition 2.C.(16) is acceptable.

LICENSE CONDITION 2.C.(17)

Emergency Response Capability (NUREG-0737, Supplement No. 1, Tac Nos. 59619, 59620, 59621, 59622, 74599 and 74850)

DECo shall complete the required emergency response capabilities as described in Attachment 2 to this license, which is incorporated into this license.

LICENSE CONDITION NO. 2.C.(17), ATTACHMENT 2, ITEM 1

Detailed Control Room Design Review (Sections 22, Item I.D.1, SSER #5, Tac Nos. 59619, 74599 and 74850)

- (a) DECo shall comply with the NRC staff requirements for the conduct of a detailed control room design review (DCRDR) contained in Supplement No. 1 to NUREG-0737. DECo shall submit a summary report of its DCRDR prior to November 30, 1986.
- (b) DECo's summary report shall describe the resolution of each control room design findings identified in the NRC staff's "Control Room Design Review/Audit Report," dated May 26, 1981, as having a Priority 3 rating. This summary report shall also describe the disposition of

those findings which DECo, in its letters to the NRC staff dated June 4, 1981; July 31, 1981; July 25, 1984; and September 27, 1984, committed to evaluate and/or implement after issuance of this operating license.

The licensee's basis for removal is its letter dated November 30, 1986, which submitted the Fermi-2 DCRDR summary report in accordance with Attachment 2, Item 1(a). Supplements 1 and 2 were submitted in letters dated August 19, 1987 and November 30, 1987, respectively. The NRC staff issued a Safety Evaluation dated March 28, 1990, which concluded that the DCRDR program implemented at Fermi-2 satisfies all of the DCRDR requirements of Supplement 1 to NUREG-0737.

The staff has reviewed the above referenced documents. Additionally, the staff reviewed the results of on-site audits conducted at Fermi-2 on March 16 - 20, 1987, and July 11 - 13, 1989. The schedule for resolution of human engineering discrepancies (HED's) identified in the licensee's DCRCR summary report and supplements indicated that all Priority III or higher HED's would be completed by the end of the third refueling outage (RFO3) which ended November 1992. By letter dated March 3, 1993, the licensee informed the NRC that all remaining Priority III HEDs were completed before or during RFO3. Based on the above, the staff has determined that deletion of Attachment 2, Item 1, is acceptable.

LICENSE CONDITION 2.C.(17), ATTACHMENT 2, ITEM 2

Regulatory Guide 1.97, Revision 2 Compliance (Tac No. 59620)

DECo shall submit by September 30, 1985, a preliminary report describing how the requirements of Regulatory Guide 1.97, Revision 2, have been or will be met.

The licensee's basis for removal is their letter to the NRC dated September 30, 1985, describing how the post accident monitoring instrumentation at Fermi-2 meets the guidelines of Regulatory Guide (RG) 1.97, Revision 2. Additional information was provided to the NRC by letter dated October 15, 1987. The NRC forwarded its Safety Evaluation on this issue by letter dated May 2, 1990. The staff concluded that the instrumentation provided by the licensee for meeting the recommendations of RG 1.97, Revision 2 were acceptable except for the variables of neutron flux, coolant level in the reactor, primary containment isolation valve position, containment and drywell hydrogen concentration and containment and drywell oxygen concentration. By letter dated June 6, 1990, the licensee provided commitments to address these remaining variables. The NRC staff issued additional guidance on neutron flux monitoring dated May 10, 1993, to which the licensee was requested to respond within 60 days with its commitments and schedules for implementation. The licensee has not yet responded. However, the licensee's June 6, 1990 letter provided firm commitments for the remaining variables. Based on the above, the staff has determined that the intent of Attachment 2, Item 2 has been met and therefore, removal of the license condition is acceptable.

LICENSE CONDITION 2.C.(17), ATTACHMENT 2, ITEM 3

Upgrade Emergency Operating Procedures (EOPs) (Tac Nos. 59619 and 59621)

- (a) Prior to July 31, 1986, DECo shall provide for NRC staff review and approval, a Procedures Generation Package (PGP) to meet the requirements of Section 7 to supplement 1 to NUREG-0737.
- (b) Prior to startup following the first refueling outage, DECo shall complete training on, and have implemented, emergency operating procedures based on the PGP.

The licensee's basis for removal is its July 31, 1986 letter which submitted the initial Fermi-2 PGP. By letter dated March 13, 1990, the NRC staff issued its Safety Evaluation of the licensee's PGP. In its Safety Evaluation, the NRC staff concluded that the licensee had fulfilled parts (a) and (b) of this license condition. The license has since upgraded the PGPs to conform to the most recent revisions of the emergency procedure guidelines.

The NRC staff has reviewed the above documents and it appears that the requirements of this license condition have been met. As this license condition refers to the initial PGPs and not to subsequent updates, the staff has determined that removal of this license condition is acceptable.

LICENSE CONDITION NO. 2.C.(17), ATTACHMENT 2, ITEM 4

Safety Parameter Display System (TAC No. 59622)

The safety parameter display system (SPDS) shall be operational by December 31, 1985.

The licensee's basis for removal is its letter of December 31, 1985, which stated that the Fermi-2 SPDS was operational. A subsequent NRC post-implementation audit was conducted on March 16 - 20, 1987, and identified several deficiencies in the Fermi-2 SPDS. The audit report was transmitted to the licensee by letter dated July 29, 1987. In the licensee's letter dated December 30, 1987, the licensee addressed these deficiencies and confirmed SPDS operability. Planned upgrades to the SPDS were completed in December 1988 as documented in the licensee's letter dated January 11, 1989. Additional NRC staff guidance was issued in Generic Letter 89-06 dated April 12, 1989. By letter dated July 10, 1989, the licensee certified that the Fermi-2 SPDS met the additional requirements. By letter dated March 28, 1990, the NRC staff concluded that the licensee had satisfactorily met all of the requirements for an SPDS specified in NUREG-0737, Supplement 1.

The staff has reviewed the above documents. Although the July 29, 1987, audit report determined that the Fermi-2 SPDS was not fully operational by the date specified in the license condition, the staff has verified that the licensee's subsequent corrective actions to resolve the deficiencies, as documented in the staff Safety Evaluation, have satisfied the license condition. Therefore, the staff has determined that removal of the license condition is acceptable.

LICENSE CONDITION 2.C.(18)

Generic Letter 83-28 (Required Actions Based on Generic Implications of Salem ATWS Events, TAC No. 767237, 59618, 64101, 64102, 64103, 64104)

DECo shall submit response to and implement the requirements of Generic Letter 83-28 on a schedule which is consistent with that given in its letters dated November 3, 1983, and November 29, 1984.

The licensee's bases for removal are the NRC staff's Safety Evaluations dated December 8, 1987 (Items 3.1.3 and 3.2.3), December 10, 1987 (Item 2.1), November 15, 1988 (Item 4.5.3), and April 4, 1989 (Item 4.5.2), which document the completion of those Generic Letter (GL) 83-28 items which were not completed prior to issuance of the Fermi-2 Operating License.

The staff has reviewed the related documents and it appears that the above GL 83-28 items were satisfactorily resolved. The staff notes that closeout of item 2.2, Part 1, was documented in the NRC staff's Safety Evaluation dated November 4, 1987. Additionally, closeout of item 2.2 Part 2 was documented in the NRC staff's letter of March 18, 1991. The staff also notes that the correct date for issuance of its Safety Evaluation concerning item 4.5.3 is November 16, 1989, vice the date listed in the licensee's application. Based on the staff's review, the post-licensing GL 83-28 items have been satisfactorily completed for Fermi-2 and therefore, removal of License Condition 2.C.(18) is acceptable.

Nothing in this Safety Evaluation shall provide relief for conditions or commitments contained in any of the staff Safety Evaluations referenced herein.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Michigan State official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

The amendment changes requirements with respect to the installation or use of facility components located within the restricted area as defined in 10 CFR Part 20. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (56 FR 47233). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

## 5.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Timothy G. Colburn

Date: September 7, 1993

UNITED STATES NUCLEAR REGULATORY COMMISSION

DETROIT EDISON COMPANY

DOCKET NO. 50-341

FERMI-2

NOTICE OF DENIAL OF AMENDMENT TO FACILITY OPERATING LICENSE  
AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Detroit Edison Company, (DECo or licensee) for an amendment to Facility Operating License No. NPF-43 issued to the licensee for operation of the Fermi-2 facility, located in Monroe County, Michigan. Notice of Consideration of Issuance of this amendment was published in the FEDERAL REGISTER on September 18, 1991 (56 FR 47233).

The purpose of the licensee's amendment request was to remove completed license conditions from the Facility Operating License.

The NRC staff has concluded that the licensee's request cannot fully be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated September 7, 1993.

By October 22, 1993, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or 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, D.C., by the above date.

A copy of any petitions 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, 1000 Second Avenue, Detroit, Michigan 48226, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 14, 1990, and (2) the Commission's letter to the licensee dated September 7, 1993.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC., 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 7th day of September, 1993.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY

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

OFFICE	LA:PDIII-1	PM:PDIII-1	OGC	(A)D:PD31
NAME	CJamerson	TColburn:dy	CPW	WDean
DATE	7/13/93	7/16/93	8/13/93	9/1/93
COPY	YES/NO	YES/NO	YES/NO	YES/NO

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