

May 16, 2003

Mr. William T. O'Connor, Jr.  
Vice President - Nuclear Generation  
Detroit Edison Company  
6400 North Dixie Highway  
Newport, MI 48166

SUBJECT: FERMI 2 - ISSUANCE OF AMENDMENT RE: DELETION OF THREE OBSOLETE  
LICENSE CONDITIONS AND THE REPORTING REQUIREMENTS IN THE  
OPERATING LICENSE (TAC NO. MB5170)

Dear Mr. O'Connor:

The Commission has issued the enclosed Amendment No. 155 to Facility Operating License No. NPF-43 for the Fermi 2 facility. The amendment consists of changes to the Operating License in response to your application dated May 23, 2002.

The amendment deletes License Condition 2.C.(19) of the Operating License which pertains to historical actions that have been met. The amendment also deletes Section 2.F of the Operating License which requires reporting violations of the requirements in Section 2.C of the Operating License. The reporting requirements in Section 2.F are either adequately addressed by the requirements of 10 CFR 50.72 and 10 CFR 50.73, or are not needed because more restrictive requirements are contained in the specific License Condition.

In your May 23, 2003 application, you also proposed to delete License Conditions 2.C.(20) and 2.C.(21) which pertain to historical actions that have been met. The Nuclear Regulatory Commission staff's evaluation of the proposed deletion of License Conditions 2.C.(20) and 2.C.(21) will be addressed under separate cover.

A copy of our safety evaluation is enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

John F. Stang, Senior Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosures: 1. Amendment No. 155 to NPF-43  
2. Safety Evaluation

cc w/encls: See next page

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OFFICIAL RECORD COPY

Fermi 2

cc:

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Norman K. Peterson  
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Detroit Edison Company  
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6400 North Dixie Highway  
Newport, MI 48166

December 2002

DETROIT EDISON COMPANY

DOCKET NO. 50-341

FERMI 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 155  
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 May 23, 2002, 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 Operating License is amended as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA by Mohammed Shuaibi for/***

L. Raghavan, Chief, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: May 16, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 155

FACILITY OPERATING LICENSE NO. NPF-43

DOCKET NO. 50-341

Replace the following pages of the Facility Operating License No. NPF-43 with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

5  
8

INSERT

5  
8

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 155 FACILITY OPERATING LICENSE NO. NPF-43

DETROIT EDISON COMPANY

FERMI 2

DOCKET NO. 50-341

1.0 INTRODUCTION

By application dated May 23, 2002, the Detroit Edison Company (DECo or the licensee) requested an amendment to the Facility Operating License for Fermi 2. The proposed amendment would delete License Conditions 2.C.(19), 2.C.(20), and 2.C.(21) which pertain to historical actions that have been met. The proposed amendment would also delete Section 2.F of the Operating License which requires reporting of violations of the requirements in Section 2.C of the Operating License. This safety evaluation only addresses the portions of the application related to License Condition 2.C.(19) and Section 2.F of the Operating License. The Nuclear Regulatory Commission (NRC) staff will evaluate the licensee's proposed deletion of License Conditions 2.C.(20) and 2.C.(21) under separate cover.

The licensee stated that the reporting requirements in Section 2.F are either adequately addressed by the requirements of 10 CFR 50.72 and 10 CFR 50.73, or are not needed because more restrictive requirements are contained in a specific license condition. The proposed changes are administrative in nature and involve deletion of a license condition that has become obsolete. In addition, the proposed changes would reduce unnecessary regulatory burden and would allow the licensee to take advantage of a recent revision to 10 CFR 50.73 that allows for Licensee Event Reports to be submitted within 60 days after the discovery of an event, instead of 30 days, as required by current License Condition 2.F. The revision to 10 CFR 50.73 became effective on January 23, 2001 (as published in the *Federal Register* (65 FR 63769, dated October 25, 2000)).

2.0 EVALUATION

2.1 Proposed Deletion of License Condition 2.C.(19)

License Condition 2.C.(19) currently states the following:

- (19) DECo shall return the Division 2 primary containment oxygen monitoring subsystem to operable status prior to startup following the sixth refueling outage.

This license condition was added to the Operating License via License Amendment No. 117, dated April 3, 1998. This amendment relaxed the TS required action time if one channel of the primary containment oxygen monitoring subsystem was inoperable. The licensee requested this relaxation of the TS requirement due to signal spiking problems encountered in Division 2 of the subsystem at that time. In its May 23, 2002, application, the requirement to return the Division 2 primary containment oxygen monitoring subsystem to operable status prior to startup following the sixth refueling outage was met when the sixth refueling outage was completed on October 25, 1998. Fermi 2 is currently operating in the ninth fuel cycle. Based on the above information, the NRC staff concludes that License Condition 2.C.(19) has been fulfilled and is no longer applicable. Therefore, the NRC staff finds it acceptable to delete License Condition 2.C.(19).

## 2.2 Proposed Deletion of Section 2.F of Operating License

Section 2.F of the Operating License currently states the following:

Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, DECo shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).

Section 2.C of the Operating License includes license conditions regarding the following areas:

- (1) Maximum Power Level
- (2) Technical Specifications and Environmental Protection Plan
- (3) Antitrust Conditions
- (4) thru (8) Deleted
- (9) Fire Protection Program
- (10) Emergency Diesel Generator Engine Special Inspection Program
- (11) thru (18) Deleted
- (19) proposed to be deleted by the May 23, 2002, application
- (20) proposed to be deleted by the May 23, 2002, application
- (21) proposed to be deleted by the May 23, 2002, application

Section 2.F of the Operating License requires the licensee to report any violations of the license conditions to the NRC. The NRC's requirements for immediate notification and written follow-up requirements (i.e., Licensee Event Reports) of emergencies, events, deviations from TSs, and degraded plant conditions at operating nuclear power reactors are specified in 10 CFR 50.72 and 10 CFR 50.73. Some of the reportable conditions under Section 2.F of the Operating License are redundant to the reportable conditions in 10 CFR 50.72 and 10 CFR 50.73. In addition, the recent revision to 10 CFR 50.73 allows for Licensee Event Reports to be submitted within 60 days after the discovery of an event, instead of 30 days as required by current License Condition 2.F. For these reasons, a number of licensees have requested similar license amendments to delete reporting requirements from their plants' Operating Licenses, and the NRC staff has approved these amendment requests (e.g., License Amendment No. 129, dated August 16, 2001, to South Texas Project, Unit 1, Operating License).

Based on the information provided in the licensee's May 23, 2002, application, the NRC staff has determined that the deletion of Section 2.F of the Operating License is acceptable for the following reasons:

- Reporting requirements specified in 10 CFR 50.72 and 10 CFR 50.73 adequately address deviations from the license conditions regarding maximum thermal power (License Condition 2.C.(1)), TSs (License Condition 2.C.(2)), and Fire Protection Program (License Condition 2.C.(9));
- License Condition 2.C.(3) regarding antitrust is an administrative issue which has no safety significance; therefore, any deviations from License Condition 2.C.(3) does not warrant the reporting requirements in Section 2.F; and
- License Condition 2.C.(10) regarding the emergency diesel generator engine special inspection program contains its own specific reporting requirements that are more restrictive than the ones that are currently in Section 2.F. Therefore, the reporting requirements in Section 2.F are not applicable to Condition 2.C.(10).

### 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 recordkeeping, reporting, or administrative procedures requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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 Commission 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: T. Kim

Date: May 16, 2003