

William T. O'Connor, Jr.
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DTE Energy



10CFR50.90

February 13, 2003
NRC-03-0009

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington D C 20555-0001

Reference: Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Proposed License Amendment for the Revision of Technical Specification Section 5.5.10, "Technical Specifications (TS) Bases Control Program" to be Consistent with the Revised 10 CFR 50.59

Pursuant to 10CFR50.90, Detroit Edison hereby proposes to amend the Fermi 2 Plant Operating License, Appendix A, Technical Specifications (TS) to revise the requirements of Section 5.5.10, "Technical Specification (TS) Bases Control Program" for consistency with changes made to 10 CFR 50.59 as published in the Federal Register (64FR53582) dated October 4, 1999, and which became effective March 13, 2001.

The proposed change to TS 5.5.10 is being made to incorporate changes to 10CFR50.59 that removed the phrase "unreviewed safety question." The proposed change to TS 5.5.10 is consistent with the NRC approved Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF-364, Revision 0, as amended by Westinghouse Owners' Group (WOG) editorial change WOG-ED-24. This change has been submitted and was approved for the Columbia Generating Station on April 19, 2002.

Enclosure 1 provides a description and an evaluation of the proposed change. Enclosure 2 provides an analysis of the issue of significant hazards consideration using the standards of 10CFR50.92. Enclosure 3 provides a marked up page of the existing TS to show the proposed change and Enclosure 4 provides a typed version of the affected TS page with the proposed change incorporated.

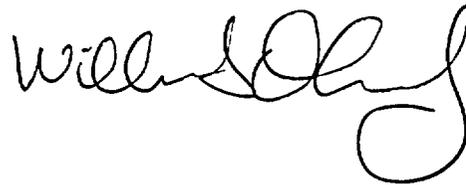
A-001

Detroit Edison has reviewed the proposed change against the criteria of 10CFR51.22 for environmental considerations. The proposed change does not involve a significant hazards consideration, nor does it significantly change the types or significantly increase the amounts of effluents that may be released offsite. The proposed change does not significantly increase individual or cumulative occupational radiation exposures. Based on the foregoing, Detroit Edison concludes that the proposed change meets the criteria provided in 10CFR51.22(c)(9) for a categorical exclusion from the requirements for an Environmental Impact Statement or an Environmental Assessment.

Detroit Edison requests NRC approval of this license amendment by February 24, 2004, with an implementation period of within 60 days following NRC approval.

Should you have any questions or require additional information, please contact Mr. Norman K. Peterson of my staff at (734) 586-4258.

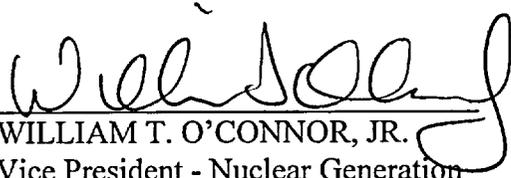
Sincerely,

A handwritten signature in black ink, appearing to read "William J. Stang". The signature is fluid and cursive, with a large loop at the end.

Enclosures

cc: M. A. Ring
J. F. Stang
NRC Resident Office
Regional Administrator, Region III
Supervisor, Electric Operators,
Michigan Public Service Commission

I, WILLIAM T. O'CONNOR, JR., do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.


WILLIAM T. O'CONNOR, JR.
Vice President - Nuclear Generation

On this February 13 day of 2003, 2003 before me personally appeared William T. O'Connor, Jr., being first duly sworn and says that he executed the foregoing as his free act and deed.




Notary Public

KAREN M. REED
Notary Public, Monroe County, MI
My Commission Expires 09/02/2005

**Request to Revise Technical Specification Section 5.5.10,
"Technical Specification (TS) Bases Control Program"
to be Consistent with the Revised 10CFR50.59**

**DESCRIPTION AND EVALUATION
OF THE PROPOSED CHANGE**

DESCRIPTION:

This proposed license application will revise Technical Specifications Administrative Controls Section 5.5.10, "Technical Specifications (TS) Bases Control Program," subsections 5.5.10.b and 5.5.10.b.2, to provide consistency with the changes made to Title 10 of the Code of Federal Regulations (CFR) Part 50.59 (10CFR50.59). This change is consistent with the NRC approved Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF-364, Revision 0, as amended by the Westinghouse Owners' Group (WOG) editorial change, WOG-ED-24. The 10CFR50.59 changes reflected in this proposed amendment were published in the Federal Register (64FR53582) on October 4, 1999, and became effective on March 13, 2001. Specifically, the proposed change to TS 5.5.10.b will replace the word "involve" with the word "require" (WOG-ED-24). The proposed change to TS 5.5.10.b.2 will be a revision of the phrase "A change to the UFSAR or Bases that involves an unreviewed safety question as defined in 10CFR50.59" to, "A change to the UFSAR or Bases that requires NRC approval pursuant to 10CFR50.59".

EVALUATION:

10CFR50.59 establishes the conditions under which licensees may make changes to the facility or procedures, and conduct tests or experiments without prior NRC approval. In 1999, the NRC revised its regulation (64 Fed Reg. 53582 [October 4, 1999]) regarding changes, tests and experiments performed by the nuclear plant licensees. The changes to the rule clarified the specific types of changes, tests and experiments conducted at a licensed facility that require evaluation, and revised the criteria that licensees must use to determine when NRC approval is needed before such changes, tests or experiments can be implemented. The final rule also added definitions for terms that have been subject to differing interpretations, and reorganized the rule language for clarity. Proposed changes, tests and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

The present TS Bases Control Program required by TS 5.5.10 allows the licensee to make changes to the TS Bases without NRC approval provided the changes do not involve a change to the TS incorporated in the license, or a change to the UFSAR or the TS Bases that involves an

"unreviewed safety question" as defined by 10CFR50.59. With the revisions to 10CFR50.59, the definition of "unreviewed safety question" was eliminated. Therefore, the TS should be revised consistent with the revision to 10CFR50.59.

The Commission's Final Rule, effective March 13, 2001, on the revision to 10CFR50.59 affects the wording contained in TS 5.5.10, "Technical Specification Bases Control Program." In that revision, the Commission removed the term "unreviewed safety question". This amendment will remove the term "unreviewed safety question" from the TS, while retaining the revised citation contained in 10CFR50.59. The revised 10CFR50.59 continues to provide appropriate and adequate control of changes made to the TS Bases.

**Request to Revise Technical Specification Section 5.5.10,
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10CFR50.92 SIGNIFICANT HAZARDS CONSIDERATION

In accordance with 10CFR50.92, Detroit Edison has made a determination that the proposed amendment involves no significant hazards consideration. The proposed revision to the wording in TS 5.5.10, "Technical Specification Bases Control Program" does not involve a significant hazards consideration for the following reasons:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change deletes the reference to "unreviewed safety question" as defined in 10 CFR 50.59. Deletion of the definition of "unreviewed safety question" was approved by the NRC with the revision of 10 CFR 50.59. This change is administrative in nature. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the probability or consequences of any accident previously evaluated are not significantly affected. There is no increase in the radiological dose at the site boundary for any previously evaluated accident. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve a physical alteration of the plant (i.e., no new or different types of equipment will be installed) or a change to the methods governing normal plant operation. These changes are considered administrative in nature and do not modify, add, delete, or relocate any technical requirements in the TS. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The change does not involve a significant reduction in the margin of safety.

The proposed change will not reduce a margin of safety because it has no direct effect on any of the safety analysis assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph 10 CFR 50.59(c)(2) continue to require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature based on the revision to 10 CFR 50.59. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Based on the above, Detroit Edison has determined that the proposed license amendment does not involve a significant hazards consideration.

**Request to Revise Technical Specification Section 5.5.10,
"Technical Specification (TS) Bases Control Program"
to be Consistent with the Revised 10CFR50.59**

Proposed TS Marked-Up Page

Included page:

5.0-16

5.5 Programs and Manuals

5.5.9 Emergency Diesel Generator Fuel Oil Testing Program (continued)

- b. Within 31 days following addition of new fuel oil to storage tanks, verify that the properties of the new fuel oil, other than those addressed in a., above, are within limits for ASTM 2D fuel oil; and
- c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days in accordance with ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Emergency Diesel Generator Fuel Oil Testing Program testing frequencies.

5.5.10 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not ~~involve~~ either of the following:
 - 1. a change in the TS incorporated in the license; or
 - 2. a change to the UFSAR or Bases that ~~involves an unreviewed safety question as defined in 10 CFR 50.59.~~
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

requires NRC approval pursuant to

require

(continued)

**Request to Revise Technical Specification Section 5.5.10,
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Typed Page with the Proposed Change Incorporated.

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- c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days in accordance with ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Emergency Diesel Generator Fuel Oil Testing Program testing frequencies.

5.5.10 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
 - 1. a change in the TS incorporated in the license; or
 - 2. a change to the UFSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

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