

July 22, 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: TECHNICAL SPECIFICATION  
5.5.10, "TECHNICAL SPECIFICATIONS (TS) BASES CONTROL PROGRAM"  
(TAC NO. MB8120)

Dear Mr. O'Connor:

The Commission has issued the enclosed Amendment No. 156 to Facility Operating License No. NPF-43 for the Fermi 2 facility. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 13, 2003.

The amendment revises TS 5.5.10, "Technical Specifications (TS) Bases Control Program," to provide consistency with the changes to 10 CFR 50.59, which were published in the *Federal Register* (64 FR 53582) on October 4, 1999, and became effective March 13, 2001. Specifically, TS 5.5.10 has been revised to remove the phrase "unreviewed safety question."

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

Sincerely,

/RA/

Harold K. Chernoff, 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. 156 to NPF-43  
2. Safety Evaluation

cc w/encls: See next page

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Fermi 2

cc:

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Newport, MI 48166

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December 2002

DETROIT EDISON COMPANY

DOCKET NO. 50-341

FERMI 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 156  
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 February 13, 2003, 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 license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment and paragraph 2.C.(2) of Facility Operating License No. NPF-43 is hereby amended to read as follows:

Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 156 , 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.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

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

Attachment: Changes to the Technical Specifications

Date of Issuance: July 22, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 156

FACILITY OPERATING LICENSE NO. NPF-43

DOCKET NO. 50-341

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

REMOVE

5.0-16

INSERT

5.0-16

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 156 FACILITY OPERATING LICENSE NO. NPF-43

DETROIT EDISON COMPANY

FERMI 2

DOCKET NO. 50-341

1.0 INTRODUCTION

By application dated February 13, 2003, the Detroit Edison Company (the licensee) requested changes to the Technical Specifications (TSs) for Fermi 2. The proposed changes would revise TS 5.5.10, "Technical Specification (TS) Bases Control Program," to reflect changes to 10 CFR 50.59, "Changes, tests and experiments," which were published in the *Federal Register* (64 FR 53582) on October 4, 1999, and became effective March 13, 2001. These changes are consistent with Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Traveler TSTF-364, Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." The NRC staff documented its approval of TSTF-364 in a letter to Mr. James Davis, Director, Operations Department, NEI, dated June 16, 2000.

2.0 REGULATORY EVALUATION

The current TS 5.5.10 for Fermi 2 reads as follows:

5.5.10.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 [Updated Final Safety Analysis Report] or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59.

On October 4, 1999, the Nuclear Regulatory Commission (NRC) amended 10 CFR 50.59 (64 FR 53582) to (1) clarify the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation, and (2) revise the criteria that licensees and certificate holders must use to determine when NRC approval is needed before such changes, tests, or experiments can be implemented. As part of the amendment to 10 CFR 50.59, the term "unreviewed safety question," which was previously used to identify those changes, tests, or experiments that required prior NRC review and approval, was eliminated. While the amended 10 CFR 50.59 provides new criteria identifying those changes, tests, or experiments that must receive prior NRC review and approval, no similar term was included to identify these criteria.

The proposed changes would revise TS 5.5.10 to be consistent with the TSTF-364, Revision 0.

### 3.0 TECHNICAL EVALUATION

TSTF-364, Revision 0, is an industry generated document that provides guidance on revising TSs to implement the amended requirements of 10 CFR 50.59. Specifically, TSTF-364 includes the following changes for facilities having Bases Control Programs with the pre-1999 10 CFR 50.59 references:

1. With respect to TS 5.5.10.b.1, the phrase "do not involve" is replaced with "do not require."
2. With respect to TS 5.5.10.b.2, the phrase "involves an unreviewed safety question as defined in 10 CFR 50.59" is replaced with "requires NRC approval pursuant to 50.59."

Therefore, the licensee has proposed modifying TS 5.5.10.b to read as follows:

5.5.10.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.

As previously stated, the NRC staff endorsed the above modifications included in TSTF-364. The NRC staff considers the proposed changes to TS 5.5.10.b to be editorial and administrative in nature and therefore acceptable.

### 4.0 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.

### 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes administrative procedures or requirements for a facility licensed under 10 CFR Part 50. 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.

### 6.0 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: H. Chernoff

Date: July 22, 2003