

William T. O'Connor, Jr.  
Vice President, Nuclear Generation

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**DTE Energy**



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April 28, 2004  
NRC-04-0023

Director, Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington D C 20555

- References:
- 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
  - 2) Letter from S. J. Collins (NRC) to W. T. O'Connor, Jr. (Detroit Edison) dated April 29, 2003, "Issuance of Order Requiring Compliance With The Revised Design Basis Threat for Operating Power Reactors", EA-03-086
  - 3) Letter from W. T. O'Connor, Jr. (Detroit Edison) to Secretary, Office of the Secretary of the Commission dated June 3, 2003, "Answer, Response and Request for Clarification in Response to April 29, 2003, Order Requiring Compliance With Revised Design Basis Threat for Operating Power Reactors (EA-03-086)

Subject: Supplemental Response to the April 29, 2003 Orders to Fermi 2

The NRC issued an Order dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat ("Order EA-03-086" or "Order" (Reference 2)) and other security related Orders (collectively "Orders") for the Fermi 2 Nuclear Power Plant. This Supplemental Response of Detroit Edison to Order EA-03-086 supplements the previous response dated June 3, 2003 (Reference 3) that Detroit Edison filed pursuant to 10 CFR 50.4 and Section III, Conditions A.1, B.1 and B.2 of the Order.

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Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR 50.4, Detroit Edison is submitting this Supplemental Response for Fermi 2. This submittal includes, as Attachment A, revisions to the Fermi 2 Physical Security Plan, the Safeguards Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of Detroit Edison in these areas, including those related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. Detroit Edison will continue to implement the provisions of those previous submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

Detroit Edison has developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2), *Security Officer Training Program* (April 2004); and NEI 03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan*, (April 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. To facilitate the NRC's review, any provisions that are different from NEI-03-12 are identified and the justification provided in Attachment C, *Deviations from NEI-03-12* to this submittal. Attachment D, *Previous Exemptions to 10 CFR Part 73*, is a listing of any exemptions to 10 CFR Part 73 previously granted to Detroit Edison and an explanation of their status under the plans hereby submitted. Attachment E, *Justification for Alternatives*, includes the justification for any of the alternatives provided in NEI-03-012 or in "NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat" that Detroit Edison has adopted.

When the final revision of NEI-03-012 is endorsed by the NRC, Detroit Edison will supplement this response, if necessary, to conform with NEI-03-012 as finally

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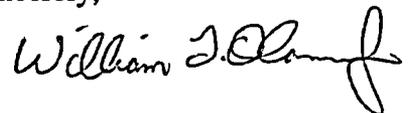
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endorsed. However, with the filing of these plans, Detroit Edison will be implementing its revised protection strategy, and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, Detroit Edison will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement with the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, Detroit Edison requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

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

Sincerely,



- Attachment A – Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan
- Attachment B – Implementation Schedule
- Attachment C – Deviations from NEI-03-012
- Attachment D – Previous Exemptions to 10 CFR 73
- Attachment E – Justification for Alternatives

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cc: D. P. Beaulieu w/Attachments  
E. R. Duncan w/o Attachments  
NRC Resident Office w/o Attachments  
Regional Administrator, Region III w/Attachments  
Supervisor, Electric Operators,  
Michigan Public Service Commission w/o Attachments

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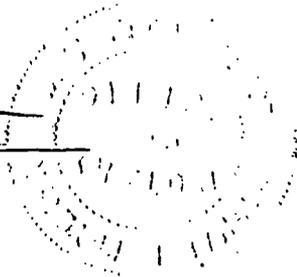
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I, WILLIAM T. O'CONNOR, JR., do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.

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

On this 28th day of April, 2004 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



NORMAN K. PETERSON  
NOTARY PUBLIC MONROE CO., MI  
MY COMMISSION EXPIRES JUL 24, 2006

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