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DTE Energy



SAFEGUARDS INFORMATION

September 9, 2004
NRC-04-0072

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-03-0086
 - 3) Letter from W. T. O'Connor, Jr. (Detroit Edison) to the NRC dated April 28, 2004, "Supplemental Response to the April 29, 2003, Orders to Fermi 2"

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") and other security related Orders (collectively "Orders") for the Fermi 2 Nuclear Power Plant (Reference 2).

Order EA-03-086 imposed 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 required 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 required licensees to revise their security force training and qualification

**NOTICE: Attachment 1 contains "Safeguards Information"
Upon separation of Attachment 1, this letter is 'Decontrolled'**

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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.

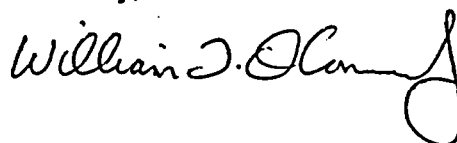
In accordance with the Order and 10 CFR § 50.4, Detroit Edison submitted a Supplemental Response for the above-mentioned licensed facility on April 28, 2004 (Reference 3). Our activities were scheduled to be implemented by October 29, 2004, as required by the Order. However, in developing and implementing the detailed plans required by the Orders, Detroit Edison has determined that it cannot complete the implementation of all of the elements of its plans by the required October 29, 2004, date.

Attachment 1 to this letter contains Safeguards Information. It includes the specific provision of the Order for which implementation cannot be completed by October 29, 2004; the manner in which Detroit Edison had intended to meet that requirement; the reasons why all elements of the plans will not be able to be implemented by that date; and the steps that will be taken to provide a high degree of assurance that the defensive strategy employed by Detroit Edison will meet the intent of that requirement of the Order until implementation is complete.

As a result, Detroit Edison requests that the Commission grant an extension for completion of implementation of the remaining elements of Detroit Edison plan detailed in Attachment 1. Further, because the Commission concluded 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 period from this request until implementation of the steps necessary to meet the requirement that is the subject of this request is complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

If there are any questions regarding this response, please contact Mr. Norman K. Peterson, Manager, Nuclear Licensing at (734) 586-4258.

Sincerely,



Attachment

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cc: D. W. Spaulding w/Attachment
G. M. Tracy w/o Attachment
NRC Resident Office w/o Attachment
Regional Administrator, Region III w/o Attachment

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

On this 9th day of September, 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.

Cynthia J. Smith
Notary Public

NOTARY PUBLIC
My Commission Expires 06/30/05

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