

Fermi 2
6400 North Dixie Hwy., Newport, Michigan 48166
Tel: 734-586-5201 Fax: 734-586-4172

DTE Energy



SAFEGUARDS INFORMATION

May 31, 2005
NRC-05-0044

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

- References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
- 2) Letter from S. J. Collins (NRC) to D. R. Gibson (Detroit Edison) dated February 25, 2002, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for Fermi, Unit 2," EA-02-0026
- 3) 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
- 4) Letter from J.E. Dyer (NRC) to W. T. O'Connor, Jr. (Detroit Edison), dated February 25, 2005, "NRC Staff Guidance for Use in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b"

Subject: Response to NRC Guidance Regarding Mitigation Strategies

The NRC issued an Order For Interim Safeguards and Security Compensatory Measures ("Order EA-02-026" or "ICM Order") dated February 25, 2002, for the Fermi, Unit 2 Nuclear Power Plant (Reference 2).

Order EA-02-026 imposed requirements on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations.

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Section III.A of the Order required licensees to implement certain changes in physical security plans and safeguards contingency plans on an interim basis until final requirements were established. Among other requirements, Detroit Edison was required to complete implementation of the requirements of Section II.B.5.b. of Order EA-02-026 by August 31, 2002.

Subsequently, the NRC issued an Order, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (Order EA-03-086 or DBT Order) (Reference 3) and other security related Orders (collectively "Orders") for the Fermi, Unit 2 Nuclear Power Plant. In many ways, Order EA-03-086 complemented or superseded the interim measures imposed by Order EA-02-026. As required by Order EA-03-086, the plans for Fermi, Unit 2 have been implemented.

Subsequently, Detroit Edison was requested to respond to the letter from J.E. Dyer, Director, Office of Nuclear Reactor Regulation, dated February 25, 2005, "NRC Staff Guidance for Use in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b," (Reference 4) by May 31, 2005, and to implement appropriate enhancements to current mitigation strategies by August 31, 2005. Specifically, nuclear power plant licensees were requested by Enclosure 2 to Reference 4, "Developing Mitigating Strategies / Guidance for Nuclear Power Plants to Respond to Loss of Large Areas of the Plant in Accordance with B.5.b of the February 25, 2002 Order," to review the Areas of Consideration delineated in Attachment A to that Enclosure and evaluate additional considerations for potential inclusion in the mitigating strategies that licensees deemed appropriate in accordance with Attachment B to that Enclosure.

Subsequently, the Nuclear Energy Institute (NEI), in conjunction with the NEI Security Working Group, developed and issued guidance for licensee use (NEI Guidance) to assist licensees in responding to the February 25, 2005 letter.

As requested in the February 25, 2005 letter, Detroit Edison has reviewed the information in Attachments A and B of Enclosure 2 to Reference 4 in accordance with the NEI Guidance and is hereby submitting, as a Safeguards Information Attachment, Detroit Edison's evaluation of the information the NRC provided. The Attachment reflects the results of a comprehensive and thorough review of the guidance and describes the considerations that Detroit Edison either has already or intends to implement at the Fermi, Unit 2 Nuclear Power Plant by August 31, 2005.

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The primary guiding principles used in the conduct of this evaluation were (1) whether or not equipment and resources were "readily available," and (2) if equipment is readily available, can it be effectively utilized in a licensee's mitigating strategy. Detroit Edison considered "readily available" to mean that the equipment or resource was already licensee owned, under contract, or part of an existing Memorandum of Understanding. Further, even if equipment and resources are readily available, the second criterion is to ensure that the equipment can be used in a mitigating strategy in an effective manner. Even if the equipment is readily available, it is of no value if it cannot be effective in implementing the mitigating strategy.

In accordance with these principles, mitigating strategies are being implemented to address the NRC B.5.b. guidance. These actions will be completed by the requested August 31, 2005 completion date. There are no commitments contained in this letter other than the August 31, 2005 deadline for completion of the activities delineated in the Attachment.

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

Sincerely,



Attachment

cc: J. E. Dyer, Director, Office of Nuclear Reactor Regulation w/o Attachment
D. P. Beaulieu with Attachment
NRC Resident Office w/o Attachment
Regional Administrator, Region III w/o Attachment

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