

June 22, 2009

MEMORANDUM TO: Biweekly Notice Coordinator

FROM: Theodore B. Smith, Project Manager /RA/  
Reactor Decommissioning Branch  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection

SUBJECT: REQUEST FOR PUBLICATION IN BIWEEKLY FR NOTICE - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY POSSESSION ONLY LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NO. J00334)

DTE Energy, Inc., Docket No. 50-16, Enrico Fermi Atomic Power Plant, Unit 1, Monroe County, Michigan

Date of amendment request: March 25, 2009.

Description of amendment request: The proposed amendment would add a license condition incorporating a site license termination plan (LTP) for the Enrico Fermi Atomic Power Plant, Unit 1 (Fermi-1). The proposed license condition includes LTP change control criteria specifying when changes to the LTP require prior Nuclear Regulatory Commission approval. Since Fermi-1 is completely within the boundary of Unit 2, the Fermi-1 property would become part of Unit 2 site upon successful completion of license termination activities.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The change allows for the approval of the LTP and provides the criteria for when changes to the LTP require prior NRC approval. This change does not affect possible initiating events for the three postulated accidents previously evaluated in the Fermi-1 Safety Analysis Report (SAR), as updated, or alter the configuration or operation of the facility. Safety limits, limiting safety system settings, and limiting control systems are no longer applicable to Fermi-1 in the permanently defueled condition, and are therefore not considered further. The proposed change does not affect the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and has no impact on plant operations.

Therefore, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the probability of a new or different accident from any accident previously evaluated?

No. The safety analysis for the facility remains accurate as described in the Fermi-1 SAR, as updated, Section 8.4, Postulated Radiological Accidents. There are sections of the LTP that make reference to the decommissioning activities still remaining (e.g. removal of large components, decontamination, etc.), however these activities are performed in accordance with approved Fermi-1 work authorizations and undergo 10 CFR 50.59 screening prior to initiation. The plant conditions for which the postulated accidents have been evaluated are still valid and no new accident scenarios, failure mechanisms, or single failures are introduced by this amendment. The system operating procedures are not affected.

Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. There are no changes to the design or operation of the facility resulting from this amendment. The proposed change does not affect the boundaries used to evaluate compliance with liquid or gaseous effluent limits, and has no impact on plant shutdown operations. Accordingly, neither the postulated accident assumptions in the Fermi-1 SAR, as updated, nor the basis of the Technical Specifications are affected.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David Pettinari

NRC Branch Chief: Andrew Persinko.

Based upon the reasoning presented above it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David Pettinari

NRC Branch Chief: Andrew Persinko

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| DATE   | 6/10/09  | 6/11/09    | 6/19/09 | 6/22/09   |

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