UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 8, 2010

Mr. Jack M. Davis
Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERMI 2 – ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT (TAC NO. ME2656)

Dear Mr. Davis:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for exemption dated November 19, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093270067). A portion of the November 19, 2009, submittal (ADAMS Accession No. ML093270068) (Enclosure 1 and 2), contains security-related information and, accordingly, is being withheld from the public. In response to two telephone conversations with the Nuclear Regulatory Commission staff on December 2, and December 14, 2009, Detroit Edison Co. submitted a supplemental response in a letter dated December 23, 2009 (ADAMS Accession Nos. ML100040010 and ML100040011). The portion of the response (Enclosure 1 and 2) (ADAMS Accession No. ML100040011) contains security-related information and, accordingly is being withheld from the public. The redacted version of Enclosures 1 and 2 of the November 19, 2009, letter, is provided in the portion which is available to the public (ADAMS Accession No. ML100040010). The proposed exemption would grant an extension from being in full compliance with certain new requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55 by the March 31, 2010, deadline.

The assessment is being forwarded to the Office of the *Federal Register* for publication.

Sincerely,

Mahesh Chawla, Project Manager
Plant Licensing Branch 3-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosure:
Environmental Assessment

cc w/encl: Distribution via Listserv

7590-01-P

NUCLEAR REGULATORY COMMISSION

DETROIT EDISON COMPANY

FERMI 2

DOCKET NO. 50-341

ENVIRONMENTAL ASSESSMENT AND

FINDING OF NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License No. NPF-43, issued to Detroit Edison Co. (DECO) (the licensee), for operation of the Fermi 2, located in Monroe County, Michigan. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

ENVIRONMENTAL ASSESSMENT

Identification of the Proposed Action:

The proposed action would exempt Fermi 2 from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, Fermi 2 would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. DECO has proposed an alternate full compliance implementation date of May 31, 2011, approximately 14 months beyond the date required by 10 CFR Part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR Part 73, does not involve any physical

changes to the reactor, fuel, plant structures, support structures, water, or land at the Fermi 2 site.

The proposed action is in accordance with the licensee's application dated November 19, 2009, as supplemented by letter dated December 23, 2009.

The Need for the Proposed Action:

The proposed action is needed to provide the licensee with additional time required for completion of significant physical modifications to comply with the new 10 CFR 73 rule requirements. While some of the work scope required by the 10 CFR 73 rule change requirements will be completed by March 31, 2010, some modifications will require additional time to complete.

Environmental Impacts of the Proposed Action:

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and findings of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73 as discussed in a *Federal Register* notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or

terrestrial habitat in the vicinity or the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR Part 73, the Commission prepared an environmental assessment and published a finding of no significant impact [Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)].

The licensee currently maintains a security system acceptable to the NRC and will continue to provide acceptable physical protection of Fermi 2 in lieu of the new requirements in 10 CFR Part 73. Therefore, the extension of the implementation date of the new requirements of 10 CFR Part 73 to May 31, 2011, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (i.e., the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources:

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for the Fermi 2, NUREG – 0769, dated August 1981, Addendum No. 1, dated March 1982.

Agencies and Persons Consulted:

In accordance with its stated policy, on January 12, 2010, the NRC staff consulted with the Michigan State official, Mr. Ken Yale, regarding the environmental impact of the proposed action. The State official had no comments.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 19, 2009, as supplemented by letter dated December 23, 2009. Portions of November 19, 2009, and December 23, 2009, submittals contain security related information and, accordingly, are not available to the public. Other parts of these documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Website: http://www.nrc.gov/reading-rm/adams.html. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in

ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 8th day of March 2010.

FOR THE NUCLEAR REGULATORY COMMISSION

Mahesh Chawla, Project Manager
Plant Licensing Branch LPL III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

March 8, 2010

Mr. Jack M. Davis
Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
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Sincerely,

**/RA/**
Mahesh Chawla, Project Manager
Plant Licensing Branch 3-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341
Enclosure:
Environmental Assessment
cc w/encl: Distribution via Listserv

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**ADAMS Accession Nos.** Letter (NRR-106) ML100341629 EA FRN (NRR-044) ML100350275

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