

May 27, 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: REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 33 RELATED TO
THE SRP SECTION 14.2 FOR THE FERMI 3 COMBINED LICENSE
APPLICATION

Dear Mr. Davis:

By letter dated September 18, 2008, Detroit Edison Company (Detroit Edison) submitted for approval a combined license application pursuant to 10 CFR Part 52. The U.S. Nuclear Regulatory Commission (NRC) staff is performing a detailed review of this application to enable the staff to reach a conclusion on the safety of the proposed application.

The NRC staff has identified that additional information is needed to continue portions of the review. The staff's request for additional information (RAI) is contained in the enclosure to this letter. To support the review schedule, you are requested to respond within 45 days of the date of this letter. If changes are needed to the safety analysis report, the staff requests that the RAI response include the proposed wording changes.

If you have any questions or comments concerning this matter, I can be reached at 301-415-8148 or by e-mail at jerry.hale@nrc.gov.

Sincerely,

/RA/

Jerry Hale, Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 052-033

eRAI Tracking Nos. 4733

Enclosure:
Request for Additional Information

May 27, 2010

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Senior Vice President and Chief Nuclear Officer
Detroit Edison Company
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Newport, MI 48166

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 33 RELATED TO
THE SRP SECTION 14.2 FOR THE FERMI 3 COMBINED LICENSE
APPLICATION

Dear Mr. Davis:

By letter dated September 18, 2008, Detroit Edison Company (Detroit Edison) submitted for approval a combined license application pursuant to 10 CFR Part 52. The U.S. Nuclear Regulatory Commission (NRC) staff is performing a detailed review of this application to enable the staff to reach a conclusion on the safety of the proposed application.

The NRC staff has identified that additional information is needed to continue portions of the review. The staff's request for additional information (RAI) is contained in the enclosure to this letter. To support the review schedule, you are requested to respond within 45 days of the date of this letter. If changes are needed to the safety analysis report, the staff requests that the RAI response include the proposed wording changes.

If you have any questions or comments concerning this matter, I can be reached at 301-415-8148 or by e-mail at jerry.hale@nrc.gov.

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OFFICE	NRO/CQVB	OGC	NGE1/LPM
NAME	R.Rasmussen	M. Carpentier	JHale
DATE	5/17/10	5/20/10	5/20/10

***Approval captured electronically in the electronic RAI system.**

OFFICIAL RECORD COPY

Request for Additional Information No. 4733 Revision 2

Fermi Unit 3
Detroit Edison
Docket No. 52-033
SRP Section: 14.02 - Initial Plant Test Program -
Design Certification and New License Applicants
Application Section: FSAR Section 14.2

14.02-4

Consistent with the guidance in RG 1.206, Regulatory Position C.III.4.3, "Combined License Information Items That Cannot Be Resolved Before the Issuance of a License," the COL applicant identified in Fermi Units 3 FSAR Table 13.4-201, "Operational Programs Required by NRC Regulation," Item 19, Initial Test Program (ITP), activities that will be subject to a license condition. In addition to the ITP activities identified in Table 13.4-201, the NRC staff identified the following post COL items in FSAR Sections 14.2.9, "Site Specific Preoperational and Startup Tests," and 14.2.10, "COL Information Items" as license conditions:

License Conditions for Post Combined License (COL) Items

License Condition for the Startup Administrative Manual, Standard (STD) COL 14.2.2-A (COM 14.2-001)

Prior to initiating the plant's ITP, a site specific startup administration manual (SAM) (procedures), which includes administrative procedures and requirements that govern the activities associated with the plant ITP is to be provided to on-site NRC inspectors 60 days prior to their intended use.

License Condition for Preoperational and Startup Test Procedures, STD COL 14.2.3-A (COM 14.2-002)

During the post-licensing period, preoperational and startup test procedures will be subject to a license condition for NRC inspections to verify that the licensee implements the ITP. This process will allow for the performance of necessary plant as-built inspections and walk downs. The licensee will make available to on-site NRC inspectors preoperational and startup test procedures 60 days prior to their intended use.

License Condition for Site-Specific Preoperational and Startup Test Procedures, Enrico Fermi Unit 3 (EF3) COL 14.2-6-A (COM 14.2-004)

During the post-licensing period, site-specific preoperational and startup test procedures will be subject to a license condition for NRC inspections to verify that the licensee implements the ITP. This process will allow for the performance of necessary plant as-built inspections and walk downs. The licensee will make available to on-site NRC inspectors site-specific preoperational and startup test procedures 60 days prior to their intended use.

License Condition for the Test Program Schedule and Sequence, STD COL 14.2-4-A
(COM 14.2-003)

Prior to initial fuel load, the licensee shall submit a schedule, no later than 12 months after issuance of the COL, and updated every 6 months until 12 months before scheduled fuel loading, and every month thereafter until either the operational program for the ITP in Fermi Units 3 COL FSAR Table 13.4-201, Item 19, has been fully implemented or the plant has been placed in commercial service, whichever comes first. This schedule shall support implementation details of the ITP and planning for the conduct of NRC inspections of operational programs listed in the operational program Fermi COL FSAR Table 13.4-201, Item 19.

License Condition for the Power Ascension Test Phase Reports, STD SUP 14.2.2-A
(COM 14.2-005)

Certain milestones in the startup testing phase of the ITP (e.g., pre-critical testing, criticality testing, and low-power testing) should be controlled through this license condition to ensure that the designated licensee management reviews, evaluates, and approves relevant test results before proceeding to the power ascension test phase. Accordingly, the licensee shall perform the following:

- (a) Complete all pre-critical and criticality testing and confirm that the test results are within the range of values predicted in the FSAR acceptance criteria. After completing and evaluating criticality test results, the licensee will conduct low-power tests and will operate the facility at reactor steady-state core power levels not in excess of 5 percent power, in accordance with the conditions of the license.
- (b) Complete all low-power testing and confirm that the test results are within the range of values predicted in the acceptance criteria in the facility's FSAR. After completing and evaluating low-power test results, the licensee will conduct power ascension testing and will operate the facility at reactor steady-state core power levels not in excess of 100 percent power, in accordance with the conditions of the license.

The licensee is responsible for the review and evaluation of the adequacy of test results in these reports, as well as final review of overall test results in these reports. Test results, which do not meet acceptance criteria, are identified and corrective actions and retests are performed. These reports shall be made available to on-site NRC inspectors.

License Condition for Test Changes

Within one month of any ITP changes described in Fermi Units 3 FSAR Section 14.2, the licensee shall evaluate these changes in accordance with the provisions of 10 CFR 50.59 or the change process defined in the ESBWR Appendix to 10 CFR Part 52 for the certification design and report them in accordance with 10 CFR 50.59(d).

Please inform the NRC staff as to whether or not the proposed license conditions are considered appropriate to support the Fermi Unit 3 COL.