

## **SAFEGUARDS INFORMATION**

January 6, 2011

EA-10-172

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: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY RELATED  
GREATER-THAN-GREEN FINDING (NRC INSPECTION REPORT NO.  
(05000341/2010201) FERMI NUCLEAR PLANT)

Dear Mr. Davis:

This letter provides you the final results of our significance determination of the preliminary Greater-than-Green finding identified in our letter to you dated October 15, 2010, which included the subject inspection report. This Greater-than-Green finding was discussed in detail in Section 3.26.1 of the subject inspection report.

At your request, a Regulatory Conference was held on December 6, 2010, to further discuss your views on this issue. During the meeting, your staff described your assessment of the significance of the finding, the corrective actions taken to resolve it, including the root cause of the finding.

After considering the information developed during the inspection and the information you provided at the conference, the U.S. Nuclear Regulatory Commission (NRC) has concluded that the inspection finding is appropriately characterized as a Greater-than-Green finding (i.e., a finding having more than very low security significance).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater-than-Green finding. Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter 0609, Attachment 2.

<p>The enclosure transmitted herewith contains Safeguards Information. When the separated from enclosure, this transmittal document is decontrolled.</p>
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J. Davis

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Because poor plant performance for this issue has been determined to be beyond the licensee response band, we will use the NRC's Security Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

However, the material enclosed herewith contains Safeguards Information as defined by 10 CFR 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide ensuring the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

*/RA/*

Patricia K. Holahan, Director  
Division of Security Operations  
Office of Nuclear Security and Incident Response

Docket No.: 50-341  
License No.: NPF-43

Enclosures:

1. Determination of the Inspection Finding (SGI)
2. Evaluation of Regulatory Conference Information (SGI)

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J. Davis

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See Attached

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